

IN RE: PETITION FOR VARIANCE

E/S of Second Avenue, 345'

S of Francis Avenue

13th Election District

1st Councilmanic District

(5715 Second Avenue)

Shane Hayes & Donna Chamberlin

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 02-316-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the property, Shane Hayes and Donna Chamberlin. The Petitioners are requesting a variance for property they own located at 5715 Second Avenue, located in the Halethorpe area of Baltimore County. The variance request is from Sections 102.1 and 431B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a commercial vehicle, with a gross vehicle weight over 10,000 lbs., to be parked in the front yard with exposed equipment and materials visible, with advertising on the body of the truck, in lieu of under 10,000 lbs., side yard, and no exposed equipment and advertising located on it.

Appearing at the hearing on behalf of the variance request were Shane Hayes and Donna Chamberlin, owners of the property in question and Phineas S. Dixon, attorney at law, representing the Petitioners. Also attending in support of the variance request were Christine Weber, Diane Parks, John Svitil, Jr., Shelia Svitil and Dolores Ziegler, all residents of the surrounding community. Appearing in opposition to the Petitioners' request were Joseph Kinsey, President of the Halethorpe Improvement Association, Inc. and Charles Riggs, adjacent property owner. Ms. Marcia Ames appeared on behalf of the Catonsville/Arbutus Times.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.132 acres of land, zoned D.R.5.5. The subject property is improved with

ORDER RECEIVED FOR FILING

Date

5/14/02

By

R. J. J. J.

an existing single-family dwelling which is situated on the property in the fashion depicted on Petitioners' Exhibit No. 1, the site plan submitted into evidence. The subject property was recently purchased by the Petitioners herein and they have made extensive and considerable renovations to the house itself. The house formerly was utilized as a two-apartment dwelling. These Petitioners have expended considerable sums of money converting the two-apartment dwelling back to a single-family residential home. They hope to reside within this dwelling in the very near future, if they haven't already done so.

At issue in this case is the overnight parking of a commercial vehicle which is used by Mr. Shane Hayes, one of the petitioners herein. Mr. Hayes has been employed for the past 15 years by the Reliable Contracting Company, located in Millersville, Maryland. In connection with his employment, Mr. Hayes is permitted to bring home his work vehicle which is depicted in many of the photographs submitted into evidence, particularly Protestants' Exhibit No. 2. Mr. Hayes testified that he is on-call with his company and is required to utilize this work vehicle on an emergency basis, in the event he is needed during non-working hours. He testified that Reliable Contracting repairs and maintains road-paving equipment for jobs in and around the Baltimore metropolitan area. Mr. Hayes was unaware that parking his work truck on his property was a violation of the Baltimore County Zoning Regulations. He was surprised to see a citation issued by Code Enforcement as a result of parking his vehicle on his driveway. This work truck is the only mode of transportation available to Mr. Hayes in that he does not own a personal vehicle. He is hopeful that the variance would be granted to allow him to park his commercial truck in his front driveway.

As stated previously, Mr. Kinsey, the president of the Halethorpe Improvement Association and Mr. Riggs, the adjacent property owner, appeared in opposition to the

ORDER RECEIVED FOR FILING
Date 5/14/02
By R. J. [Signature]

Petitioners' request. Mr. Kinsey indicated that he became involved in this matter as a result of a member of his community association, namely Mr. Riggs, complaining of this particular commercial vehicle. Mr. Kinsey indicated that his association would not get involved in this matter unless such a complaint is filed with his office. In fact, as the testimony demonstrated, there are other commercial vehicles in this neighborhood which are being stored and parked in violation of the Baltimore County Zoning Regulations. However, no formal complaint has been lodged to Code Enforcement regarding those other vehicles. Mr. Kinsey indicated that these matters are handled on a case by case basis by his association, once a citizen complaint is filed.

The testimony and evidence offered by Mr. Kinsey and Mr. Riggs demonstrated their clear opposition to the granting of this variance. In particular, Mr. Riggs is extremely concerned over the parking and storage of this commercial vehicle on his neighbor's property. The driveway upon which the Petitioners' park this vehicle is located only a few feet from Mr. Riggs' bedroom window. The truck in question is a diesel which generates a great deal of noise. Furthermore, diesel engines, according to the testimony of Mr. Riggs and Mr. Kinsey, emit a greater amount of smoke and pollution than do gasoline engines. The noise and fumes associated with this diesel engine are particularly troublesome to Mr. & Mrs. Riggs who sleep only a few feet away from the truck in question. In addition to the engine noise, the Protestants also object to the loud beeping sound that this vehicle generates when backing up. Many of us are familiar with this beeping signal which is often heard with commercial vehicles while backing up. This too is disturbing to these neighbors.

Compounding the problem with storing this commercial vehicle on this residential property is the fact that the Petitioners' house is situated a mere 8 ft. from the common property line shared with Mr. Riggs. This narrow side yard width, coupled with the existence of a

chimney on the side of the home, does not allow the Petitioners to have the opportunity to pull this commercial vehicle into their rear yard. There simply is not enough side yard space for the vehicle to pull up alongside of the Petitioners' dwelling. Accordingly, the majority of the truck must be parked in the front yard of the Petitioners' property. Mr. Riggs, along with Mr. Kinsey, requests that the variance be denied.

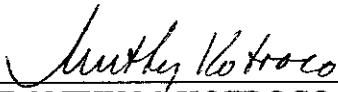
In addition to the live testimony presented at the hearing, both in support and in opposition to the Petitioners' request, both the Petitioners and Protestants submitted into evidence petitions signed by many of the residents of the surrounding community. Some of those residents support the storage of this vehicle while others are opposed to it. As I indicated to those in attendance at the hearing, the storage of a commercial vehicle on a residential property must be evaluated on a case by case basis. Each particular commercial vehicle has its own elements, which may be objectionable to a particular neighbor or resident. Furthermore, the concerns of those neighbors who are most directly affected by the storage of a commercial vehicle must be given greater deference than other residents who are further removed from this location. Based on this, and considering all of the testimony and evidence offered both for and against this request, I find that the variance to allow this commercial vehicle to be parked on this residential property should be denied.

THEREFORE, IT IS ORDERED this 14th day of May, 2002, by this Deputy Zoning Commissioner, that the requested variance to allow a commercial vehicle with a gross vehicle weight over 10,000 lbs. to be parked in the front yard with exposed equipment and materials visible, with advertising on the body of the truck, be and is hereby DENIED.

IT IS FURTHER ORDERED, that the Petitioners shall cease the storage of this commercial vehicle on their residential property as of the date of this Order.

ORDER REVIEWED FOR FILING
Date 5/14/02
By R. Kinsey

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty
(30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 5/14/02
BY R. Johnson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 14, 2002

Phineas S. Dixon, Esquire
401 Frederick Road
Catonsville, Maryland 21228

Re: Petition for Variance
Case No. 02-316-A
Property: 5715 Second Avenue

Dear Mr. Dixon:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been denied in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "Timothy M. Kotroco". The signature is written in a cursive style with a large, stylized "T" and "K".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Copies to:

**Shane Hayes
Donna Chamberlin
5715 Second Ave
Baltimore MD 21227**

**Joseph Kinsey Pres
Halethorpe Improvement Assn Inc
P O Box 7306
Baltimore MD 21227**

**Charles Riggs
5713 Second Ave
Baltimore MD 21227**

**Marcia Ames
Catonsville/Arbutus Times
757 Frederick Rd
Catonsville MD 21228**



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 11, 2002

Phineas S. Dixon, Esquire
401 Frederick Road
Baltimore, Maryland 21228

RE: PETITION FOR VARIANCE
E/S Second Avenue, 345' S of Francis Avenue
(5715 Second Avenue)
13th Election District – 1st Council District
Shane A. Hayes & Donna J. Chamberlin - Petitioners
Case No. 02-316-A

Dear Mr. Dixon:

This letter is to confirm that the above-captioned matter, which was postponed in open hearing on April 1, 2002 due to your sudden illness, has been rescheduled, by agreement of all parties present, for Tuesday, April 30, 2002 at 2:00 PM in Room 407 of the County Courts Building. All parties will be notified by copy of this letter as to the continued hearing date, time and location. It will not be necessary to re-post or re-advertise the property.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Shane A. Hayes & Ms. Donna J. Chamberlin
5715 Second Avenue, Halethorpe, Md. 21227
Mr. Joseph P. Kinsey, President, Halethorpe Improvement Association, Inc.
P.O. Box 7306, Halethorpe, Md. 21227
Mr. Charles H. Riggs, 5713 Second Avenue, Halethorpe, Md. 21227
Mr. & Mrs. Ralph E. Thomas, 5723 Second Avenue, Halethorpe, Md. 21227
Ms. Marcia Ames, 743 Oella Avenue, Ellicott City, Md. 21043
Code Enforcement Division, DPDM; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5715 Second Ave Halethorpe
which is presently zoned Residential

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 52-15431B, 153A, B, & C to Permit ACCOMMODATE VEHICLE G.V.W. OVER 10,000 LBS. TO BE PARKED IN THE FRONT YARD, WITH EXPOSED EQUIPMENT MATERIALS, VISIBLE, WITH ADVERTISING ON THE BODY OF THE TRUCK. IN LIEU OF UNDER 10,000 LBS. SIDE YARD, NO EXPOSED EQUIPMENT, AND ADVERTISING LIMITED TO FRONT DOORS OF VEHICLE.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

1. Resides on premises
2. Vehicle is only source of income (self)
3. Vehicle is only source of transportation (to - from work)
4. Vehicle is only source of transportation (except Sunday)
5. Parked on premises - 6 PM to 6 AM. (except Sunday)
6. TRUCK TOO WIDE TO GO PAST HOUSE INTO REAR YARD.
7. Numerous Trucks parked in street in front of property in area

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

State

Telephone No.

Zip Code

Legal Owner(s):

Shane A Hayes

Name - Type or Print

Signature

Donna J. Chamberlin

Name - Type or Print

Signature

5715 Second Ave

Address

410-242-5430

Telephone No.

Halethorpe

City

MD

State

21227

Zip Code

Representative to be Contacted:

Donna J. Chamberlin

Name

5715 Second Ave

Address

410-242-5430

Telephone No.

Halethorpe

City

MD

State

21227

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 Hr

UNAVAILABLE FOR HEARING

Reviewed By SDJ

Date 01-29-02

Case No. 02-316-A

REC 9/15/98

Zoning - Description
5715 Second Avenue

Beginning at a point on the East side of Second Avenue at the distance of 345 ft. South of Francis Avenue. Being known as lot #64 in the subdivision West Halethorpe as recorded in Baltimore County Plat book Liber 005 folio 042 containing 5800 sq. ft. And located in the 13th election district.

02-316-A

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **07821**

02 - 31C APH

DATE 01-29-02

ACCOUNT

REC'D CC6-615C

AMOUNT

\$ 50.00

RECEIVED FROM:

Donna C. HARRIS

FOR:

Res. Var.

SC

(Victim's Item) SC

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

5007

PAID RECEIPT

PAYMENT ACTUAL TIME

1/29/2002 1/29/2002 10:23:05

REF #804 CASHIER DML DMD DRAFT 2

>> RECEIPT # 173392

DEPT 5 528 ZONING VERIFICATION

CR NO. 007821

Receipt Tot

50.00

50.00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-316-A

5715 Second Avenue

E/S of Second Avenue, 345' S of Francis Avenue

1st Election District - 13th Councilmanic District

Legal Owner(s): Shane A. Hayes

Variance: to permit a commercial vehicle, GMW over 10,000 lbs. to be parked in the front yard with exposed equipment and materials, visible, with advertising on the body of the truck in lieu of under 10,000 lbs. side yard no exposed equipment and advertising limited to front doors of vehicle.

Hearing: Monday, April 1, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Soslay Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/09/02 March 14

C525438

CERTIFICATE OF PUBLICATION

3/14/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/14/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

ZONING NOTICE

CASE # 02-316-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 407, COUNTY COURTS
PLACE BLDG. 401 BOSLEY AVENUE

MONDAY, APRIL 1, 2002

DATE AND TIME: AT 9:00 AM

REQUEST VARIANCE TO PERMIT A COMMERCIAL
VEHICLE, G.W. OVER 10,000 LBS, TO BE PARKED IN
THE FRONT YARD WITH EXPOSED EQUIPMENT AND
MATERIALS VISIBLE WITH ADVERTISING ON THE
BODY OF THE TRUCK IN LIEU OF UNDER 10,000 LBS.
SIDE YARD NO EXPOSED EQUIPMENT AND ADVERTIS-
ING LIMITED TO FRONT DOORS OF VEHICLE

ZONING NOTICE

USE # 02-316-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONERS
IN TOWNSDALE, MD

ROOM 407, COUNTY COURT
PLACE Bldg. 601 BOEYCE AVENUE

DATE AND TIME: 10/20/2009

REASON: VARIANCE

CERTIFICATE OF POSTING

RE: Case No.: 02-316-A

Petitioner/Developer: _____

SHANE A. HAYES

Date of Hearing/Closing: 4-1-2002

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

5715 SECOND AVENUE

The sign(s) were posted on _____

MARCH 13TH 2002

(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-316-A
Petitioner: Donna Chamberlin / Shane Hayes
Address or Location: 5715 Second Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Donna Chamberlin
Address: 5715 Second Ave
Halethorpe MD 21227
Telephone Number: 410-242-5430 / 410-947-8477

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 14, 2002 Issue – Jeffersonian

Please forward billing to:
Donna Chamberlin
5715 Second Avenue
Halethorpe MD 21227

410 242-5430

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-316-A
5715 Second Avenue
E/S of Second Avenue, 345' S of Francis Avenue
1st Election District – 13th Councilmanic District
Legal Owner: Shane A Hayes

Variance to permit a commercial vehicle, GMW over 10,000 lbs, to be parked in the front yard with exposed equipment and materials, visible, with advertising on the body of the truck in lieu of under 10,000 lbs, side yard no exposed equipment and advertising limited to front doors of vehicle.

HEARING: Monday, April 1, 2002 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

February 25, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-316-A
5715 Second Avenue
E/S of Second Avenue, 345' S of Francis Avenue
1st Election District – 13th Councilmanic District
Legal Owner: Shane A Hayes

Variance to permit a commercial vehicle, GMW over 10,000 lbs, to be parked in the front yard with exposed equipment and materials, visible, with advertising on the body of the truck in lieu of under 10,000 lbs, side yard no exposed equipment and advertising limited to front doors of vehicle.

HEARING: Monday, April 1, 2002 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon G.D.Z.
Director

C: Phiners S Dixon, 401 F4rederick Road, Catonsville 21228
Shane A Hayes, 5715 Second Avenue, Halethorpe 21227
Donna J Chamberlion, 5715 Second Avenue, Halethorpe 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 16, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmilandacq@co.ba.md.us

March 29, 2002

Phiners S. Dixon
401 Frederick Road
Catonsville MD 21228

Dear Mr. Dixon:

RE: Case Number: 02-316-A, 5715 Second Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 29, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. G D Z
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Mr. & Mrs. Shane A Hayes, 5715 Second Avenue, Halethorpe 21227
People's Counsel


Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

DATE: March 21, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for March 4, 2002
Item Nos. 314, 315, 316, 319, 320,
321, 322, 323, 324, 327, 328 and
329

The Bureau of Development Plans Review has reviewed the subject zoning items. and we have no comments.

RWB:HJO:cab

cc: File

ZAC-3-4-2002-NO COMMENT ITEMS-03212002.doc



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

February 28, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 25, 2002

Item No.:

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time regarding the following items.

314, 315, (316), 319, 321, 323, 325, 326, 328

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *qbs/jlt*

DATE: March 25, 2002

Zoning Advisory Committee Meeting of February 25, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

316

285, 314-325, 327-329

fig
4/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: February 27, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

FEB 27

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-316

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.22.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 316

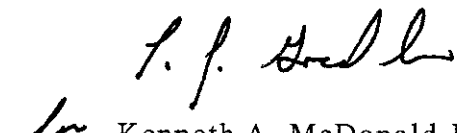
JRA

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
5715 Second Avenue, E/S of Second Ave,
345' S of Francis Ave
13th Election District, 1st Councilmanic

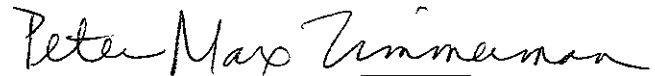
Legal Owner: Shane Hayes & Donna Chamberlain
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-316-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of February, 2002 a copy of the foregoing Entry of Appearance was mailed to Phineas S. Dixon, Esq., 401 Frederick Road, Baltimore, MD 21228, attorney for Petitioner(s).



PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: February 28, 2002

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No. : 316
Legal Owner/Petitioner: Shayne A. Hayes
Property Address: 5715 Second Avenue
Location Description: E/side of Second Avenue 345 ft S of Francis Avenue

VIOLATION INFORMATION: **Case No.: 01-7985**
Defendants: Shayne A. Hayes

Please be advised that the aforementioned petition is the subject of an active violation case.
When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

Charles Riggs

5713 Second Avenue, Baltimore Md 21227

*COPY MAILED
3-4-02*

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form/Code Enforcement Officer's report and notes
State Tax Assessment printout
Correction Notice
Closing Report

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/lrs

c: Code Enforcement Officer Hope Jacobson *COPY SENT
3-4-02*

RA1001B

DATE: 12/27/2001 STANDARD ASSESSMENT INQUIRY (1)

TIME: 09:45:06

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
13 02 650010	13	1-2	04-00	H	NO		12/12/01

HAYES SHANE A	DESC-1.. IMPS
CHAMBERLIN DONNA J	DESC-2.. WEST HALETHORPE
5715 2ND AVE	PREMISE. 05715 2ND

AVE
00000-0000

BALTIMORE MD 21227-4308 FORMER OWNER: YANG CHIN FANG

----- FCV -----		----- PHASED IN -----	
PRIOR	PROPOSED	CURR	CURR
LAND: 28,750	28,750	FCV	ASSESS
IMPV: 94,600	100,110	TOTAL.. 127,022	127,022
TOTL: 123,350	128,860	PREF... 0	0
PREF: 0	0	CURT... 127,022	127,022
CURT: 123,350	128,860	EXEMPT. 0	0
DATE: 10/97	05/00		

----- TAXABLE BASIS -----	FM DATE
02/03 ASSESS: 127,022	11/21/01
01/02 ASSESS: 125,186	06/01/01
00/01 ASSESS: 49,340	06/01/00

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

CODE ENFORCEMENT REPORT

DATE: 12/27/01 INTAKE BY: HJ CASE #: 01-7985 INSPEC: 9

COMPLAINT LOCATION: 5715 Second Ave

ZIP CODE: 21227 DIST: _____

COMPLAINANT NAME: ~~Matthew~~ Charles Riggs PHONE #: (H) 410-242-5465 (W) _____

ADDRESS: 5713 (2nd) Second Ave ZIP CODE: 21227

PROBLEM: Commercial truck parked in driveway

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____



Baltimore County
Department of Permits and
Development Management

Code Inspection and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 01-7985	Property No. 1302 650010	Zoning: DR
Name(s): Shame A. Hayes Donna J. Chamberlin		
Address: 5715 2nd Ave. Balt MD 21227		
Violation Location: Same as above		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCZR: 101, 102.1, 1501.1A, 431

Remove all commercial & motor
vehicle(s) from residential
property

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 1 15 12	Date Issued: 12 28 1
--------------------------	-------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name
Chen, Jerry

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR

MARYLAND
OFFICE OF BUDGET & FINANCE

PARKING VIOLATION NOTICE

H

RETURN THIS NOTICE
WITH PAYMENT

VIOLATION NO

1942107

VIOLATION OF TITLE 21 OF THE
BALTIMORE COUNTY CODE INDICATED BELOW.

PAYMENT
DUE

A	METER VIOLATION	\$18.00
B	OFF-STREET HEAD-IN METER VIOLATION	\$23.00
C	PROHIBITED PARKING	\$27.00
D	PARKING IN "NO STOPPING-STANDING" ZONE	\$27.00
E	PROHIBITED PARKING ON CITY RESERVOIR PROPERTY (CIRCLE ONE) P.B. LIB. L.R.	\$37.00
F	FIRE LANE VIOLATION	\$45.00
G	HANDICAPPED SPACE VIOLATION	\$77.00
H	ALL OTHER PARKING VIOLATIONS	\$34.00

LOCATION

705715 2ND AVE 21227

VIOLATION DATE

11/23/02

TIME

7:50

AM
P.M.

WEATHER

CLEAR

PAYMENT IS DUE WITHIN 15 DAYS FROM THE VIOLATION DATE.
IF YOU WISH TO STAND TRIAL SEE BACK OF TICKET.

TAG NO

616475

STATE

MD

TAG MO

11

YR

02

MAKE

FORD

VIN

1FDLF47M9REA41640

COLOR

RED

VEH TYPE

☐ AUTO

☐ MC

☒ OTHER

F SUPER DUTY

REMARKS. COMMERCIAL VEH. PARKED
IN RESIDENTIAL AREA & PARKED
ON WRONG SIDE OF ROADWAY

I hereby certify under the penalty of perjury that the facts
stated in this parking violation notice are true.

OFFICER'S SIGNATURE

I.D.:

3938

STATION:

PCI

PAYMENT INSTRUCTIONS

PAYMENT BY CREDIT CARD (MASTERCARD & DISCOVER ONLY) USING AUTOMATED SYSTEM

- Call 410-387-2777 Select Option 3 & follow spoken directions. You will be charged a convenience fee when you use this system. The system will tell you the fee amount before your charge is final.

PAYMENT BY MAIL - Return this copy with check or money order payable to Baltimore County Maryland, 400 Washington Ave., Room 151, Towson MD 21204-4665

PAYMENT IN PERSON - May be made at: Parking Violations, 400 Washington Ave., Room 150, Towson, MD 21204-4665

REMIT THE AMOUNT OF THE FINE INDICATED ON THE REVERSE SIDE IN THE BLOCK CHECKED BY THE ISSUING OFFICER.

PAYMENT OF THIS FINE MUST BE MADE WITHIN FIFTEEN (15) DAYS FROM THE DATE OF ISSUANCE OR THIS CITATION WILL BE CONSIDERED DELINQUENT AND SUBJECT TO AN ADDITIONAL PENALTY OF \$100 PER MONTH OR FRACTION THEREOF UNTIL PAID AND MAY BE REFERRED TO A DEBT COLLECTION SERVICE. THREE VIOLATIONS WITHIN A YEAR FOR A THIRTY (30) DAY PERIOD MAY RESULT IN IMPOUNDMENT. FAILURE TO PAY THIS FINE WILL RESULT IN THE WITHHOLDING OF YOUR VEHICLE REGISTRATION RENEWAL APPLICATION BY THE STATE MOTOR VEHICLE ADMINISTRATION AND A \$15.00 WITHHOLDING BE DEDUCTED IN ADDITION TO THE FINE AND ACCRUE INTEREST.

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE**

PARKING VIOLATION NOTICE

**RETURN THIS NOTICE
WITH PAYMENT**

VIOLATION NO

1944826 H

VIOLATION OF TITLE 21 OF THE
BALTIMORE COUNTY CODE INDICATED BELOW.

PAYMENT
DUE

A	METER VIOLATION	\$18.00
B	OFF-STREET HEAD-IN METER VIOLATION	\$23.00
C	PROHIBITED PARKING	\$27.00
D	PARKING IN "NO STOPPING-STANDING" ZONE	\$27.00
E	PROHIBITED PARKING ON CITY RESERVOIR PROPERTY (CIRCLE ONE) P.B. LIB. L.R.	\$37.00
F	FIRE LANE VIOLATION	\$45.00
G	HANDICAPPED SPACE VIOLATION	\$77.00
H	ALL OTHER PARKING VIOLATIONS	\$34.00

LOCATION

VIOLATION DATE

TIME

A.M.
P.M.

WEATHER

**PAYMENT IS DUE WITHIN 15 DAYS FROM THE VIOLATION DATE.
IF YOU WISH TO STAND TRIAL SEE BACK OF TICKET.**

TAG NO STATE
TAG MO YR MAKE
VIN COLOR
VEH TYPE ☐ AUTO ☐ MO ☒ OTHER

REMARKS.

**I hereby certify under the penalty of perjury that the facts
stated in this parking violation notice are true.**

OFFICER'S SIGNATURE

ID

STATION:

DOCKET NO

COURT CASE NO

TRIAL DATE

PLEA

VERDICT

FINE

COSTS

\$

\$

DISPOSITION

TRIAL
JUDGE S
SIGNATURE

JUDGE NO

1944826
VIOLATION NO

PAYMENT INSTRUCTIONS

PAYMENT BY CREDIT CARD (MASTERCARD & DISCOVER ONLY) USING AUTOMATED SYSTEM

- Call 410-887-2777. Select Option 3 & follow spoken directions. You will be charged a convenience fee when you use this system. The system will tell you the fee amount before your charge is final.

PAYMENT BY MAIL - Return this copy with check or money order payable to Baltimore County Maryland, 400 Washington Ave., Room 151, Towson MD 21204-4665

PAYMENT IN PERSON - May be made at: Parking Violations, 400 Washington Ave., Room 150, Towson, MD 21204-4665

REMIT THE AMOUNT OF THE FINE INDICATED ON THE REVERSE SIDE IN THE BLOCK CHECKED BY THE ISSUING OFFICER.

PAYMENT OF THE FINE MUST BE MADE WITHIN FIFTEEN (15) DAYS FROM THE DATE OF ISSUANCE OR THIS VIOLATION WILL BE CONSIDERED DELINQUENT AND SUBJECT TO AN ADDITIONAL PENALTY OF \$10.00 PER MONTH OR FRACTION THEREOF UNTIL PAID AND MAY BE REFERRED TO A DEBT COLLECTION SERVICE. THREE VIOLATIONS UNSATISFIED FOR A THIRTY (30) DAY PERIOD MAY RESULT IN IMPOUNDMENT. FAILURE TO PAY THIS VIOLATION WILL RESULT IN THE WITHHOLDING OF YOUR VEHICLE REGISTRATION RENEWAL APPLICATION BY THE STATE MOTOR VEHICLE ADMINISTRATION AND A \$15.00 WITHHOLDING FEE IMPOSED IN ADDITION TO THE FINE AND ACCRUED PENALTIES.

IF YOU WISH TO STAND TRIAL YOU MUST COMPLETE THIS FORM and send by Certified Mail no later than ten (10) days after violation date to Parking Violations, 400 Washington Ave., Room 150, Towson, MD 21204-4665

PRINT
NAME

ADDRESS

CITY

CHECK IF OFFICER'S
PRESENCE REQUESTED

I PROMISE TO APPEAR

SIGNATURE

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE**

PARKING VIOLATION NOTICE

**RETURN THIS NOTICE
WITH PAYMENT**

VIOLATION NO.

1946763

VIOLATION OF TITLE 21 OF THE
BALTIMORE COUNTY CODE INDICATED BELOW.

PAYMENT
DUE

A	METER VIOLATION	\$18.00
B	OFF-STREET HEAD-IN METER VIOLATION	\$23.00
C	PROHIBITED PARKING	\$27.00
D	PARKING IN "NO STOPPING-STANDING" ZONE	\$27.00
E	PROHIBITED PARKING ON CITY RESERVOIR PROPERTY (CIRCLE ONE) P.B. LIB. L.R.	\$37.00
F	FIRE LANE VIOLATION	\$45.00
G	HANDICAPPED SPACE VIOLATION	\$77.00
H	ALL OTHER PARKING VIOLATIONS	\$34.00

LOCATION: 5715 2nd Ave

VIOLATION DATE

26/02

TIME

1058

A.M.
P.M.

WEATHER

Ch

**PAYMENT IS DUE WITHIN 15 DAYS FROM THE VIOLATION DATE.
IF YOU WISH TO STAND TRIAL SEE BACK OF TICKET.**

TAG NO.

616-475

STATE

MD

TAG MO.

11

YR

02

MAKE

Ford TR

VIN

COLOR

VEH TYPE.

☐ AUTO

☐ MC

☒ OTHER

Rel. 45
Rel. 45

REMARKS:

Common Vehicle, with two
ties, Dist over 3/4 ton
Complaint made

**I hereby certify under the penalty of perjury that the facts
stated in this parking violation notice are true.**

OFFICER'S SIGNATURE:

C JACO

I.D.

10110

STATION

721

DOCKET NO

COURT CASE NO

TRIAL DATE

PLEA

VERDICT

FINE

COSTS

\$

\$

DISPOSITION

TRIAL
JUDGE'S
SIGNATURE

JUDGE NO

1946763

VIOLATION NO

PAYMENT INSTRUCTIONS

PAYMENT BY CREDIT CARD (MASTERCARD & DISCOVER ONLY) THROUGH AN AUTOMATED SYSTEM - Call 1-800-442-7272, select Option 3 & follow spoken instructions. You will be charged a convenience fee for use of this system. The fee will be added to the fee amount before you enter your card number.

PAYMENT BY CHECK - Please send a copy with check or money order payable to Montgomery County, 400 Washington Ave., Room 151, Towson, MD 21204-4665.

PAYMENT BY CREDIT CARD - Payment made at Parking Administration, 400 Washington Ave., Room 150, Towson, MD 21204-4665.

REMIT TO ADDRESS AND PHONE NUMBER INDICATED ON THE REVERSE OF THE TICKET. BLOCK CHECKS KEPT FOR 30 DAYS AFTER

PAYMENT OF A FINE MUST BE MADE WITHIN 10 DAYS (COUNTED FROM DATE OF ISSUANCE OF THIS TICKET) OR YOU WILL BE CONSIDERED DELINQUENT. DELINQUENCY WILL RESULT IN AN ADDITIONAL PENALTY OF ONE MONTH OR FRACTION THEREOF. DELINQUENT PAYERS WILL BE REFERRED TO A JUDGE FOR CONSIDERATION OF A THREE MONTH TO SIX MONTH SUSPENSION OF A THIRTY (30) DAY PERIOD. FAILURE TO COMPLY WITH THE REQUIREMENTS WILL RESULT IN THE WITHDRAWAL OF YOUR STATE REGISTRATION RENEWAL AND YOUR STATE MOTOR VEHICLE REGISTRATION AND A \$15.00 WITHDRAWAL FEE IN ADDITION TO THE FINE AND SURCHARGE THEREON.

IF YOU WISH TO REQUEST A FINE YOU MUST COMPLETE THE REQUEST BY Certified Mail no later than ten (10) days after the date due to Parking Violations, 400 Washington Ave., Room 150, Towson, MD 21204-4665

PRINT NAME _____

ADDRESS _____

CITY _____

CHECK IF OFFICER'S PRESENCE REQUIRED ☐ IF MUST TO APPEAR

SIGNATURE _____

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE**

PARKING VIOLATION NOTICE

**RETURN THIS NOTICE
WITH PAYMENT**

VIOLATION NO

1905776

VIOLATION OF TITLE 21 OF THE
BALTIMORE COUNTY CODE INDICATED BELOW:

PAYMENT
DUE

A	METER VIOLATION	\$18.00
B	OFF-STREET HEAD-IN METER VIOLATION	\$23.00
C	PROHIBITED PARKING	\$27.00
D	PARKING IN "NO STOPPING-STANDING" ZONE	\$27.00
E	PROHIBITED PARKING ON CITY RESERVOIR PROPERTY (CIRCLE ONE) P.B. LIB. L.R.	\$37.00
F	FIRE LANE VIOLATION	\$45.00
G	HANDICAPPED SPACE VIOLATION	\$77.00
H	ALL OTHER PARKING VIOLATIONS	50.00 \$84.00

LOCATION

5714 2ND AVE #1237

VIOLATION DATE

1/27/02

TIME

10:50

A.M.
P.M.

P.M.

WEATHER

CLEAR

**PAYMENT IS DUE WITHIN 15 DAYS FROM THE VIOLATION DATE.
IF YOU WISH TO STAND TRIAL SEE BACK OF TICKET.**

TAG NO. 666475 STATE MD

TAG MO. 11 YR 02 MAKE FORD

VIN: 1F-DLF47M9REA41640 COLOR RED

VEH TYPE: ☐ AUTO ☐ MC ☒ OTHER

REMARKS: COUNTY CODE 21-110

3/4 TON TRUCK VIOLATION PARKED ON A
RESIDENTIAL STREET

**I hereby certify under the penalty of perjury that the facts
stated in this parking violation notice are true.**

OFFICER'S SIGNATURE

OFF J. J. J. J.

I.D.: 4587

STATION: PC01

DOCKET NO

COURT CASE NO

TRIAL DATE

PLEA

VERDICT

FINE

COSTS

\$

\$

DISPOSITION

TRIAL
JUDGE S
SIGNATURE

JUDGE NO

1905776

VIOLATION NO.

PAYMENT INSTRUCTIONS

PAYMENT BY CREDIT CARD (MASTERCARD & DISCOVER ONLY) USING AUTOMATED SYSTEM

- Call 410-381-2777, Select Option 3 & follow spoken directions. You will be charged a convenience fee when you use this system.

The system will tell you the fee amount before your charge is final

PAYMENT BY MAIL - Return this copy with check or money order payable to Baltimore County Maryland, 400 Washington Ave., Room 151, Towson MD 21204-4665

PAYMENT IN PERSON - May be made at: Parking Violations, 400 Washington Ave., Room 150, Towson, MD 21204-4665

REMIT THE AMOUNT OF THE FINE INDICATED ON THE REVERSE SIDE IN THE BLOCK CHECKED BY THE ISSUING OFFICER.

PAYMENT OF THIS FINE MUST BE MADE WITHIN FIFTEEN (15) DAYS FROM THE DATE OF ISSUANCE OR THIS CITATION WILL BE CONSIDERED DELINQUENT AND SUBJECT TO AN ADDITIONAL PENALTY OF \$10.00 PER MONTH OR FRACTION THEREOF UNTIL PAID, AND MAY BE REFERRED TO A DEBT COLLECTION SERVICE. THREE VIOLATIONS UNSATISFIED FOR A THIRTY (30) DAY PERIOD MAY RESULT IN IMPOUNDMENT. FAILURE TO PAY THIS VIOLATION WILL RESULT IN THE WITHHOLDING OF YOUR VEHICLE REGISTRATION RENEWAL APPLICATION BY THE STATE MOTOR VEHICLE ADMINISTRATION AND A \$15.00 WITHHOLDING FEE IMPOSED IN ADDITION TO THE FINE AND ACCRUED PENALTIES.

IF YOU WISH TO STAND TRIAL YOU MUST COMPLETE THIS FORM and send by Certified Mail no later than ten (10) days after violation date to Parking Violations, 400 Washington Ave., Room 150 Towson, MD 21204 4665

PRINT
NAME

ADDRESS

CITY

CHECK IF OFFICER'S
PRESENCE REQUESTED

I PROMISE TO APPEAR

SIGNATURE

3/24/02
ag
to file
w/c

Arbutus Community Association

1349 Stevens Avenue
Arbutus, Maryland 21227

Re: Case #02-316-A
5715 Second Avenue, 21227
E/S of Second Avenue, 345' S of Francis Avenue
1st Election District- 13th Councilmanic District
Legal Owner: Shane A. Hayes

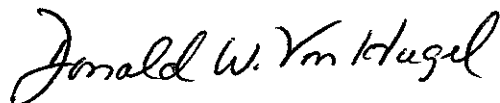
Mr. Arnold Jablon, Director

Dear Mr. Jablon,

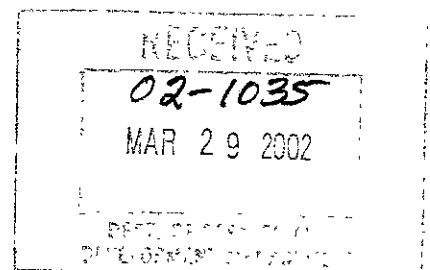
This Letter is to inform you that the members of the Arbutus Community Association **strongly** oppose the requested zoning variance on the case listed above, scheduled for April 1, 2002 at 9:00 a.m. room 407. Our membership believes that this variance should not be passed to allow a commercial vehicle with over 10,000 lbs to be parked in this residential community. If you have any questions, please feel free to contact me at (410) 247-0597.

Sincerely,

Donald Von Hagel, A.C.A. President



George Penyak, A.C.A. Vice President



Case Number 02-316-A

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

Revised 4/17/00

Case Number 02-316-A

PLEASE PRINT LEGIBLY

Protestants

PETITIONER'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Donna Chamberlin
Shane Hayes

5715 Second Ave
Halethorpe MD 21227
410 242 5430



UNAVAILABLE 10' - part of MAY

PLEASE PRINT CLEARLY

410-242-6697

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
Joseph P. Kinsey (President)	Halethorpe Improvement Ass'n, Inc. P.O. Box 7306, Halethorpe, Md 21227
Charles H. Riggs	5713 SECOND AVE
Ralph E. Thomas	5723 Second Ave.
Bettyjean Thomas	5723 Second Ave.

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

Ad butus
Times

NAME

MARCIA AMES

410-
788-
4900

ADDRESS

743 DELLA Ave
Elliot City 21043



PETITION

We the undersigned strongly opposed the variance request at 5715 Second Avenue, Case # 02-316-A, to permit a commercial vehicle GMW over 10,000 pounds to be parked in the front yard with exposed equipment and materials, visible, with advertising on the body of the truck in lieu of under 10,000 pounds in side yard with no exposed equipment and advertising limited to front doors of vehicle.

NAME	ADDRESS	DATE
CALVIN T. ANDERSON	5716 SECOND AVE	3-22-02
Ralph Thomas	5723 Second Ave Balto	3-22-02
Robert Lapp	5708 Second Ave Balto.	3-22-02
Joe Wible	5701 2nd Ave Hale	3-22-02
Barbara Piotrowski	5702 Second Ave.	3/22/02
David J. Mertel	5704 Second Ave	3/22/02
Charles H. Riggs	5715 Second Ave.	3/22/02
James A. Hull	5712 Second Ave	3/23/02
Albert P. Lang	5705 Second Ave	3/23/02
Louie Ridgley	5709 SECOND AVE.	3-23-02
Rene Daghava	5707 Second Ave.	3/23/02
Ja M But	5706 SECOND AVE	3-30-02
Nancy B. Riggs	5713 Second Ave	3-30-02
Betty Jean Thomas	5723 Second Ave.	3/30/02
Alice Roehner	5726 Second Ave	April 19 2002
Ben Wible	5701 Second Ave	4/19/02
Horis E. Anderson	5716 Second Ave	4/21/02

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

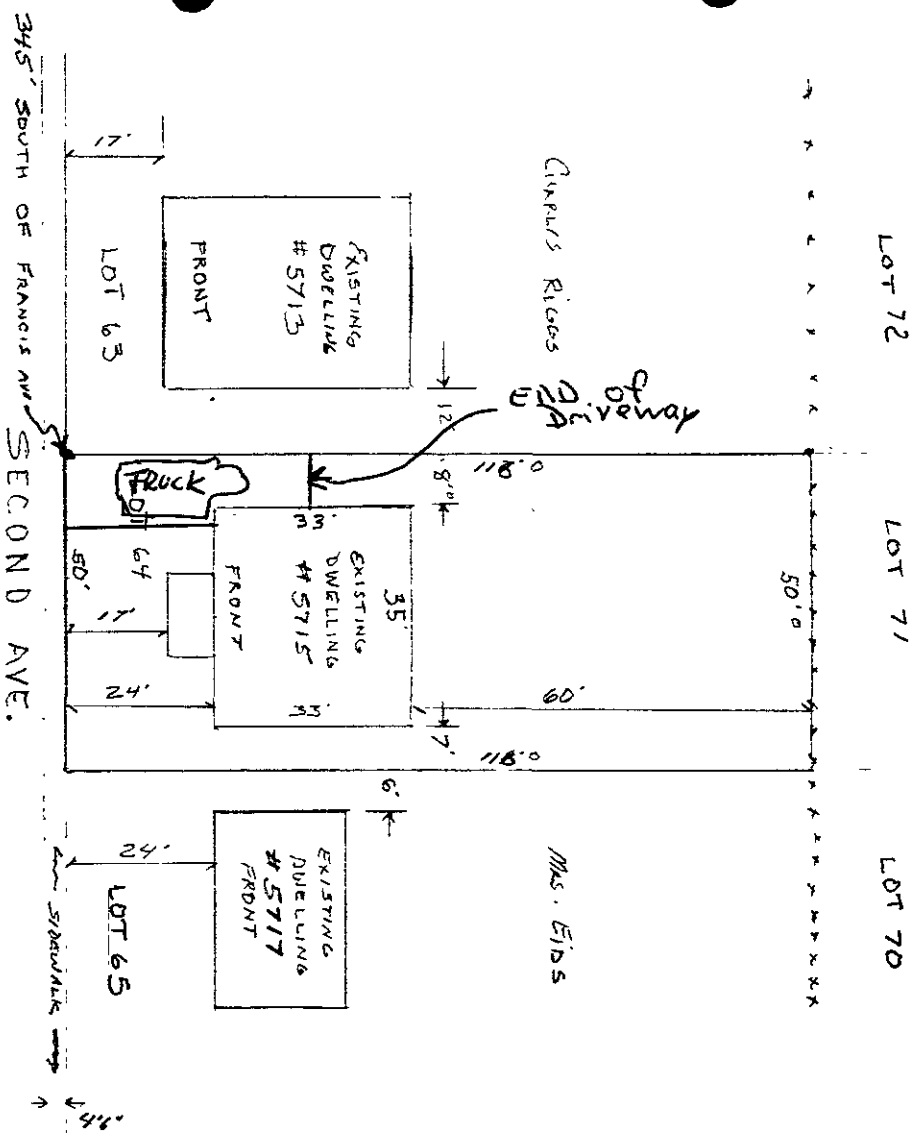
PROPERTY ADDRESS 5715 SECOND AVE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME WEST HALETHORPE

PLAT BOOK # 005 FOLIO # 042 LOT # 64 SECTION #

OWNER SHANE HAYES & DONNA CHAMBERLIN

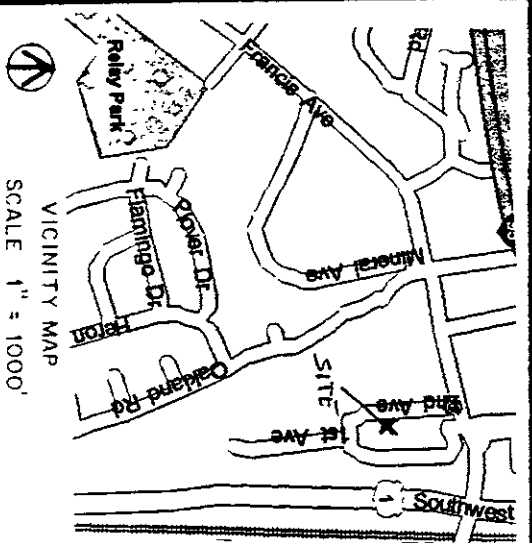


NORTH

PREPARED BY CUG

SCALE OF DRAWING: 1" = 30'

Plot #1



LOCATION INFORMATION

ELECTION DISTRICT / 3

COUNCILMANIC DISTRICT / 57

1" = 200' SCALE MAP # SW 6-D

ZONING DR - 5.5

LOT SIZE 0.132 ACRES 5800 SQUARE FEET

PUBLIC PRIVATE

SEWER ☒

WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

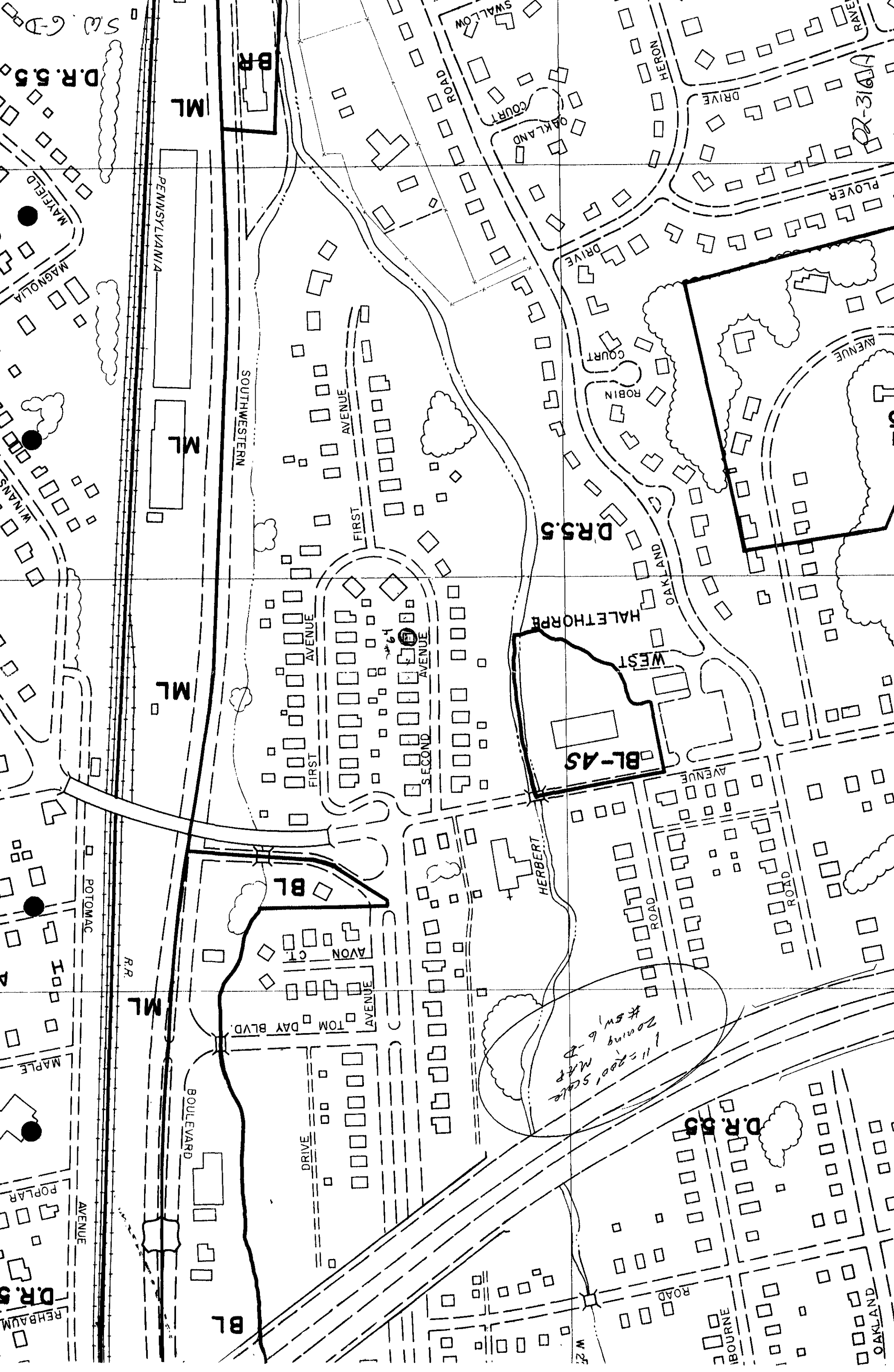
HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

8007

02-316-7

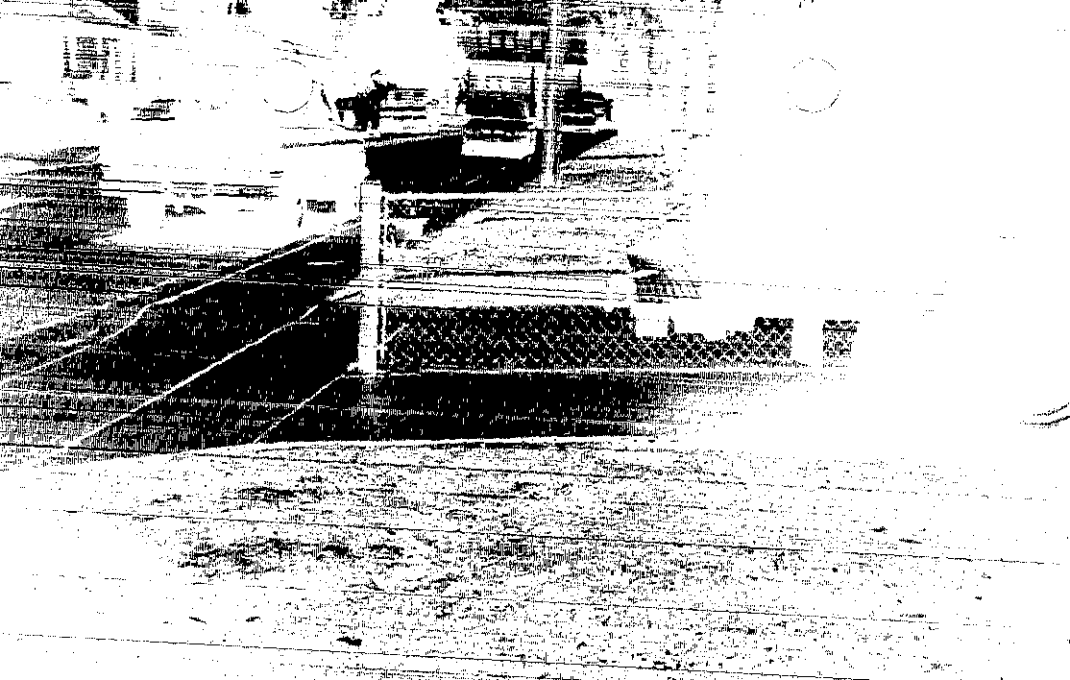


Petitioners Exo #2A-2C

Ref 2A



Рет̄х 2B

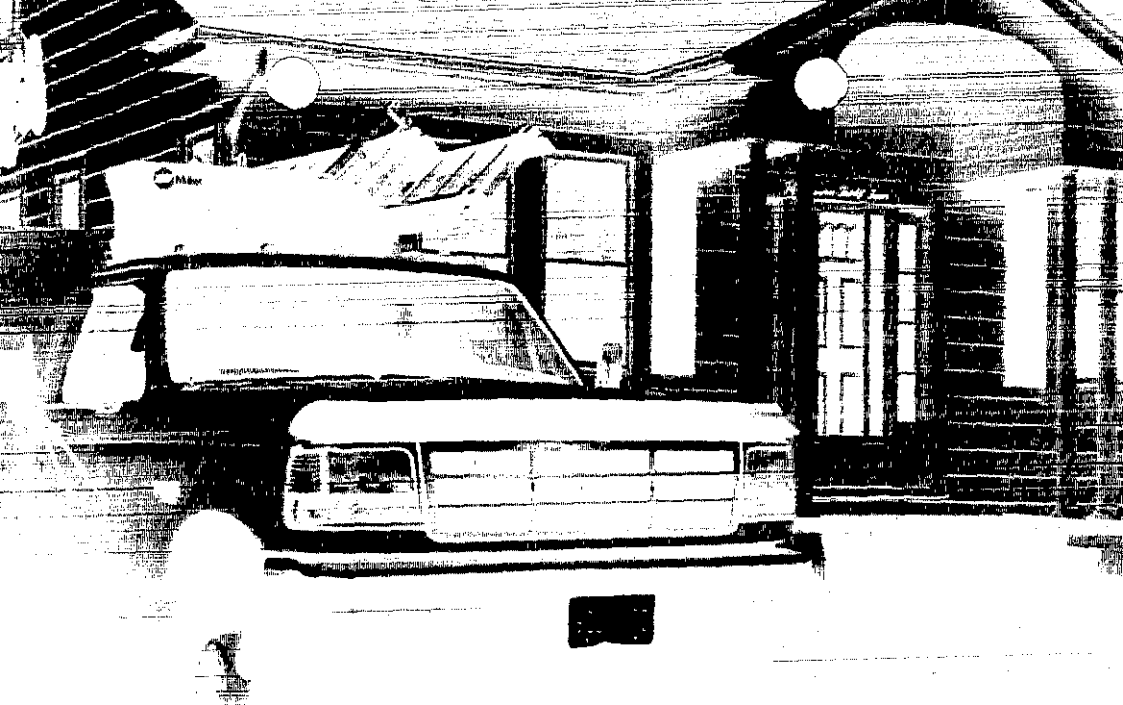



Ref \vec{E}_x 2c



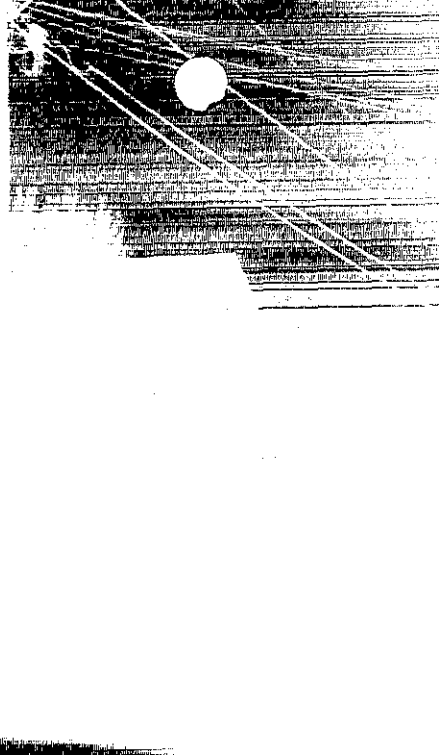
Petitioner's Exs. # SA-SC

Ref Ex 5A



Ref Ex  B

100



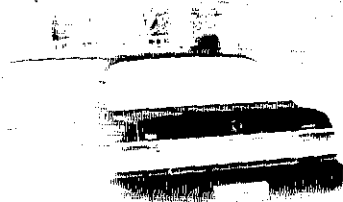
Ref Ex 5C.



Prot Ex #2



Rot Cx #2

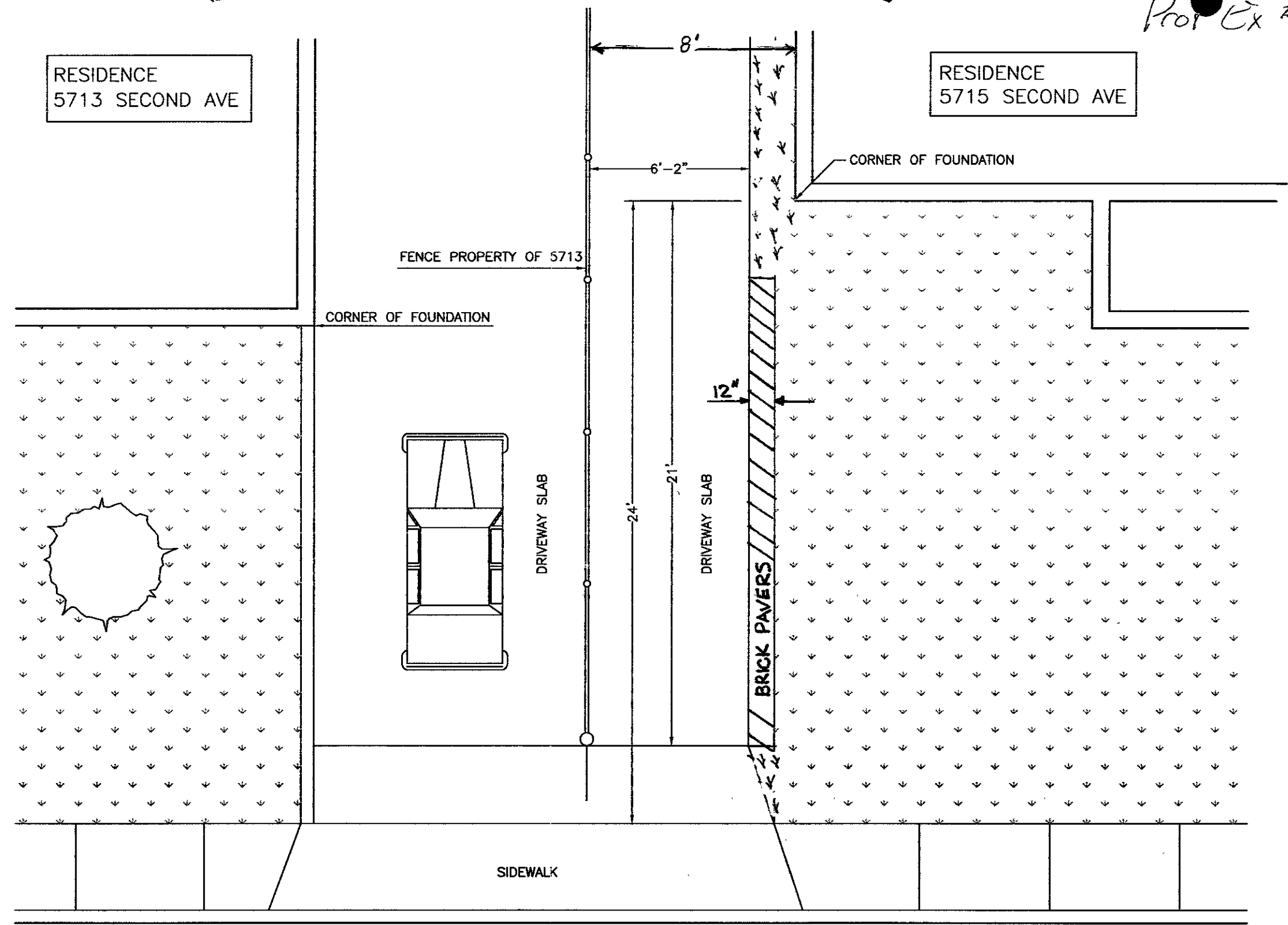




Prop Ex #3

RESIDENCE
5713 SECOND AVE

RESIDENCE
5715 SECOND AVE



FENCE PROPERTY OF 5713

CORNER OF FOUNDATION

CORNER OF FOUNDATION

DRIVEWAY SLAB

DRIVEWAY SLAB

BRICK PAVERS

SIDEWALK

SECOND AVE

Parking Petition

Pet City 3A

By signing below we agree that Mr. Shane Hayes who resides at 5715 Second Avenue, Baltimore, MD 21227 may park his work truck on his property. We do not find the truck to be a nuisance nor an eye sore. We also understand that this is his only source for earning a living as well as his only source of transportation.

Caroline M. Rock 5719-2nd 1st Fl. 410-242-6769
Name Address Tel. No.

Mary G. Doudiken 5719-2nd 2nd Fl. 410-247-6426
Name Address Tel. No.

John Ridgely 5709 Second Ave 242 3867
Name Address Tel. No.

Jason Hester 5707 2nd Ave 410-247-7619
Name Address Tel. No.

Ed Ridgely 5709 Second Ave 242-3867
Name Address Tel. No.

Thomas W. Smith 5722 Second Ave 242-6519
Name Address Tel. No.

Evelyn M. Smith 5722 Second Ave 242 6519
Name Address Tel. No.

Alice Rothman 5720 Second 242-6569
Name Address Tel. No.

Kenna Hester 5707 Second Ave. 247-7619
Name Address Tel. No.

Doris Harvey 5718 Second Ave 242-7856
Name Address Tel. No.

Ed Harvey 5718 Second Ave
Name Address Tel. No.

Cal Brooks 5725 First Ave
Name Address Tel. No.

Dorlene Brooks 5725 First Ave
Name Address Tel. No.

Parking Petition

3B

By signing below we agree that Mr. Shane Hayes who resides at 5715 Second Avenue, Baltimore, MD 21227 may park his work truck on his property. We do not find the truck to be a nuisance nor an eye sore. We also understand that this is his only source for earning a living as well as his only source of transportation.

Rose McEid 5712 2nd Ave 410-242-0149
Name Address Tel. No.

John E. Ed 5717 2nd Ave 410-242-6255
Name Address Tel. No.

Alan C Mewshaw 5717 Second Ave. 410-242-0149
Name Address Tel. No.

JOHN SVITIL 5710 SECOND AVE (410) 242-0399
Name Address Tel. No.

Senera Svitil 5710 Second Ave 410-242-0399
Name Address Tel. No.

Judith Lapp 5708 Second Ave.
Name Address Tel. No.

Robert Mierzewski Jr. 5711 Second Ave. 410-242-1033
Name Address Tel. No.

Robert L. Mierzewski Jr. 5711 Second Ave 410-242-1033
Name Address Tel. No.

Daniel Mierzewski 5711 Second Ave 242-1033
Name Address Tel. No.

Elsie Rice 5711 Second Ave. 242-1033
Name Address Tel. No.

Debbie Mierzewski (RPN) 5711 Second Ave. 410-242-1033
Name Address Tel. No.

Katherine S. Shell 5712 SECOND AVE 410-536-5726
Name Address Tel. No.

Joyce Zink 5714 2nd Ave 410-242-0980
Name Address Tel. No.

CALVIN T. ANDERSON 5716 2nd AVE 410-242-2764
Name Address Tel. No.

DORIS E. ANDERSON 5716 2nd AVE 410-242-2764
Name Address Tel. No.

Parking Petition

3c

By signing below we agree that Mr. Shane Hayes who resides at 5715 Second Avenue, Baltimore, MD 21227 may park his work truck on his property We do not find the truck to be a nuisance nor an eye sore. We also understand that this is his only source for earning a living as well as his only source of transportation.

KATIE + Don McLAUGHLIN 5652 BRANFIELD RD 410 242 5120

Name Address Tel. No.

William George Price 5104 Shelbourne RD 410 536-4842

Name Address Tel. No.

Wayne Price 5661 CHELWYN RD 410-247-2480

Name Address Tel. No.

Mary Kindred " "

Name Address Tel. No.

Condor 1927 HASTINGS AVE

Name Address Tel. No.

Bonnie Lee Gent 1927 Hastings Ave

Name Address Tel. No.

Russell Starnes 1100 Oakland Terrace Rd

Name Address Tel. No.

Stephen J. Curren 5558 LINK Ave 410 247 2655

Name Address Tel. No.

Danue Chamberk 5715 Second Ave

Name Address Tel. No.

Name Address Tel. No.

Name Address Tel. No.

Name Address Tel. No.

Name Address Tel. No.

Parking Petition

30

By signing below we agree that Mr. Shane Hayes who resides at 5715 Second Avenue, Baltimore, MD 21227 may park his work truck on his property. We do not find the truck to be a nuisance nor an eye sore. We also understand that this is his only source for earning a living as well as his only source of transportation.

George T. Meender 5715 First Ave. 410 242 5036
Name Address Tel. No.

Worthy L Meender 5715 First Ave 410-242-5036
Name Address Tel. No.

Wanda Hayes 5717 First Ave 410-242-0094
Name Address Tel. No.

Jordan Hartell 5713 First Ave 410-247-2252
Name Address Tel. No.

G. GARDNER 5726 FIRST AVE 410-242-1172
Name Address Tel. No.

G. GARDNER 5726 FIRST AVE 410-242-1172
Name Address Tel. No.

KAC Clark 5712 First Ave 410 242 5038
Name Address Tel. No.

Carl Myers 5720 First Ave. 410 137 7586
Name Address Tel. No.

Deanna Walther Myers 5720 First Ave. 410 737 7586
Name Address Tel. No.

Name Address Tel. No.

Name Address Tel. No.

Name Address Tel. No.

Name Address Tel. No.

Parking Petition

3E

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Kim Lafferley 5219 Benson Ave 247-3396

Name

Address

Tel. No.

John Lafferley 5219 Benson Ave 247-3396

Name

Address

Tel. No.

Norma mahn 5531 Highridge 247-0515

Name

Address

Tel. No.

Howard Mathu 5531 Highridge 247-0515

Name

Address

Tel. No.

Chris Marris 5530 Link 247-8418

Name

Address

Tel. No.

Dawn Marris 5530 Link 247-8418

Name

Address

Tel. No.

Roy Parks 5531 Link Ave 247-8472

Name

Address

Tel. No.

Diane Parks Link Ave 247-8472

Name

Address

Tel. No.

mike Weber 5531 Link Ave 247-8472

Name

Address

Tel. No.

Christy Weber 5531 Link Avenue 247-8472

Name

Address

Tel. No.

Helen Weber 1049 Elm Road 410-536-5851

Name

Address

Tel. No.

Jenn Weber 1049 Elm Road 410-536-5851

Name

Address

Tel. No.

Eva Nelson Craig 5511 Ashburn 443-543-0444

Name

Address

Tel. No.

PLEASE SUPPORT SHANE & DONNA TO
 ENABLE THEM TO PARK THEIR RED
 COMMERCIAL TRUCK ON SECOND AVENUE
 IN HALETHORPE, MD.

3F

1	Shirley Siviter	25	Emeka Ekwu
2	Tortiz Gouani	26	Marcheggiani
3	W. J. J. J.	27	Lia Marcheggiani
4	Robert	28	Zil C. C. S.
5	Gail Teustein	29	monica chadby
6	Tim Bey	30	Michelle Garlow
7	John M. M. M.	31	Stephen Garlow
8	Sheryl M. M.	32	Kaira Millard
9	Timothy M. M.	33	Tommy Holby Jr.
10	Debra M. M.	34	Paul W. M. M.
11	K. M. M.	35	Linda D. Robertson
12	M. M. M.	36	Ken L. M.
13	M. M. M.	37	Ron M. M.
14	Randy M. M.	38	M. M. M.
15	J. L. M. M.	39	M. M. M.
16	M. M. M.	40	M. M. M.
17	Gene M. M.	41	
18	Ed M. M.	42	
19	James M. M.	43	
20	John M. M.	44	
21	M. M. M.	45	
22	M. M. M.	46	
23	M. M. M.	47	
24	Chris M. M.	48	

Pet 4A

the only egress for proposed development plan. Meet- at mames@patuxent.com

Commercial vehicle case is postponed

News Briefs

Second Avenue residents hoping to eliminate a red commercial truck from their neighborhood landscape remain in suspense this week.

A county zoning hearing that had been scheduled for April 1 was postponed on that date, because the truck driver's lawyer was hospitalized and could not attend.

The hearing had been prompted by a request from Shane Hayes and Donna Chamberlin of 5715 Second Ave. for a variance of zoning regulations that apply to commercial vehicle parking on residential property.

Specifically, the variance would allow a greater than 10,000-pound commercial vehicle to be parked in their front driveway.

The vehicle could have advertising on its body, and exposed equipment and materials visible.

Each condition is prohibited by current county zoning regulations.

According to Joseph Kinsey, president of the Halethorpe Improvement Association, Hayes has often parked the red commercial vehicle in the front driveway of his home.

It is so clear that he is breaking the

law," said Kinsey.

Kinsey arrived at Monday's hearing prepared to testify against allowing the variance, and he said he intends to follow through at the rescheduled hearing.

Chamberlin told the Times on Monday that she and Hayes were advised by their lawyer not to comment on the issues until he could be present. At press time, their attorney remained hospitalized.

Zoning Commissioner Lawrence Schmidt made the decision on April 1 to cancel the hearing at Chamberlin and Hayes' request.

Schmidt said it would be rescheduled as soon as possible, but without a re-posting. He will notify by phone anyone who showed up for the cancelled hearing.

By Marcia Ames

County PTA critical of eighth grade MSPAP test

A Maryland State Department of Education plan to allow some school systems to opt out of administering eighth grade MSPAP exams — while requiring others to administer the exam — is raising concerns

among some Baltimore County Public School parents.

Under the Maryland State Department of Education plan — which was accepted by the U.S. Department of Education last week — Baltimore County Public Schools would be required to administer the eighth grade exam because it receives federal Title I funds for some of its middle schools. Schools which receive Title I funds are accountable for assessing the yearly progress of their students.

"Clearly MSDE was under the gun to present a plan," said Jennifer Robinson, who chairs the Baltimore County PTA's MSPAP committee.

Robinson, who is a member of the Maryland State Department of Education's Visionary Panel for School Improvement, criticized the ruling, saying, "Eighth graders in Title I Schools receive the least benefit, among all eighth graders, from the exercise of participating in this assessment."

"The statistical results rendered will be meaningless this year," she added. "We need to move to a more meaningful year-end assessment."

Michele D. Manning

Second Avenue residents are mainly OK with truck

I am writing in response to an article written by Marcia Ames in the April 3 edition of the Arbutus Times, "Commercial vehicle case is postponed."

Ms. Ames did not have all of the information. Within the article it states that the Second Avenue residents are trying to eliminate a red, commercial truck from their street.

I live on Second Ave and assure you that this is not true. In fact the majority of the residents on Second Avenue have no problems with this vehicle.

A petition was even formed stating that the residents do not mind if this vehicle is parked on the street or in the owner's driveway. The neighbors who live directly across the street, Jim and Kathy Hull, signed the petition as well.

Shane Hayes and Donna Chamberlin are hardworking, courteous people who should have been welcomed into our neighborhood, but instead have been endlessly badgered by one particular neighbor, who I choose to leave nameless.

If they want to park their truck in their own driveway, that should be their right.

The residents, myself included, could care less if they parked a hearse in their driveway. Truth be told, there is another commercial truck that belongs to another resident on our street and no one has ever complained about that. Why should this vehicle be any different? It's the same exact truck.

And with regards to the Halethorpe Improvement Association, if they really want to improve our community, they should be focusing on a way to get our roads repaved, as they are in desperate need of it.

They need to concentrate on something that will actually benefit our town, not on something like this.

Seneca Svitil
Halethorpe

Editor's Note: Clearly some residents on Second Avenue are against the truck parking (we're told there's a petition against it as well), but we're happy to clarify that others are in favor.

Think global, act local on issues of Mother Earth

The winds of spring are blowing! Most of us want to enjoy the new season, but many have been left

with uneasiness after the attacks on New York and Washington in September.

In our helplessness and anger, we may have become numb or ostrich-like on some level. We live in a world that is not only vulnerable to outside attack, but that has already been degraded by inequalities of all kinds, and is faced with the prospect of an eroded quality of life on many fronts.

There are many alternatives to allowing ourselves to be caught up in a climate of war fever, or paralyzed into apathy. Many people already choose to turn off computers and television, talk to their neighbors, pick up trash, help children besides their own, play music on their front stoops, grow vegetables and flowers, or help protect local woodlands.

In addition to these, we can choose to drive less. We can learn about solar energy and try it out. We can detoxify — substitute natural products for synthetics, soaps for detergents, botanicals for perfumes and fragrances, white vinegar for fabric softener. We can avoid antibacterial products which encourage resistant organisms. We can try herbs and alternative medicine before resorting to pharmaceuticals which may be unsafe to begin with, also end up in the water supply and in fish. We can tend our gardens and lawns without spraying them with poisons.

We need not succumb to heartlessness and fear. There is much to be done to end the war on others, ourselves, and on the ground beneath our feet. The earth is vast — and small. Our lives are limitless — and brief, and spring is just around the corner.

Sue Johnson
Baltimore

Peter 415

The Arbutus Times is a community newspaper. All letters become the property of the Times, which reserves the right to make such use of them as it deems fit. By submitting a letter, the author grants the Arbutus Times an irrevocable, non-exclusive right and license to use and publish the letter in whole or in part in all media and to authorize others to reprint it.

Letters must include the writer's name, address and daytime telephone numbers. Our address: Arbutus Times, 2544 Redwood Road, Suite 403, Catonsville, MD 21228; by fax: 410-768-4103.

Lightning strikes twice in last innings

Lansdowne falls a run short

Softball

BY TOM WORG0

Western Tech won't underestimate Lansdowne anymore.

The Wolverines beat Lansdowne twice last year by the 10-run rule and they routed them again in a scrimmage last month.

So Western Tech expected an easy time last Friday, but things didn't work out that way.

Western Tech (6-3) needed three runs in extra innings to post a 13-12 victory at rival Lansdowne in a non-league game.

"We thought we would come in here and win big," Western Tech Coach Bryan Thanner said.

Sarah Knotts, who had singled, scored the winning run in the eighth on an error.

It capped a three-run inning for the Wolverines.

Each team pushed across six runs in the seventh to force extra innings.

"I think a lot of teams have been taking us for granted," Lansdowne Coach Jamie Izdebski said. "I think we will turn a lot of heads."

The game was moved to Lansdowne because of Western Tech's junior prom, which made the Wolverines the home team.

Play was stopped for 1/2 an hour because of lightning.

Lansdowne (3-6) broke a 4-4 tie in the top of the seventh as the team sent 11 batters to the plate.

After Christina Rodriguez drove in Vicki Kowalski with a single, Megan Stewart plated Jessie Towles and Casie Hall with a single up the middle off pitcher Erin Mack's glove as Lansdowne went ahead 7-4.

Erin Savage and Towles also highlighted offensive flurry with run scoring singles in the inning.

"My girls have been hitting well and playing awesome defense," Izdebski said.

The Lansdowne offense shined with 11 hits against Western Tech, but the defense struggled in the final innings.

Three errors in the bottom of the seventh led to four unearned runs.

Before Lansdowne committed a

couple of errors, Western Tech started the inning with three consecutive hits.

Amber Fricke drove in Lynn Culver, who had singled, with a triple over right fielder Becca Pannell. Kim Sparrow drove in Fricke with a single to center field to trim to lead to 10-6.

"Their pitcher (Melinda Caruthers) didn't walk many and it forced us to hit," Thanner said.

The rest of the runs in the seventh for Western Tech were unearned.

Lansdowne regained the lead at 12-10 in the eighth as Laura Robey and Pannell keyed the inning with RBI singles.

In the bottom of the inning, Caruthers issued back-to-back walks to Fricke and Kim Sparrow.

Sarah Knotts followed with a single to right field, which scored Fricke to make it 12-11.

Then Jamie Ravenscroft and Ginger Bennis reached on back-to-back bunts to produce the next two runs and victory.

"I think we took them lightly and that was a big mistake," said Mack, an Arbutus resident.

E-mail Tom Worgo

at tworgo@patuxent.com

Lansdowne wasn't

Sports Notices

► Catonsville High will host the third annual Prime Time Lacrosse Camp for girls and boys (ages 6-13). The camp will be held June 24-28 from 8 a.m.-11 a.m.

Girls camp will be directed by North Carolina graduate and All-American Meghann Mohler.

Boys camp directed by Catonsville High Coach Matt Ames and assistant Jeff Mohler.

Visit www.primetimetlax.com or e-mail cometlax@hotmail.com or call 410-887-0808 (ext. 402).

► The Baltimore Kickers are seeking players for the boys U-12 soccer club team for the spring season. Contact Vic Vega (410-536-5493 or 410-744-9446, evenings).

► The P... Soccer 20th, sea... Resident 18, boy... girls see... Extended session... Commu... girls age... 21, sessi... Call 4... 1505...

► The F... Lacross held J... girls a... ages... (410... (416...



Prot #6
County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

May 17, 1999

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of Frank D. Reitterer and
Frances M. Leonard -Petitioners /Case No. 98-226-A

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

encl.

cc: Mr. Frank D. Reitterer and
Mrs. Frances M. Leonard
Eleanor VanDevender /Maiden Choice
Community Association
Mr. Robert Hooe
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Ron Turner, Code Enforcement /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN THE MATTER OF
THE APPLICATION OF
FRANK D. REITTERER AND FRANCES
M. LEONARD -PETITIONERS FOR
VARIANCE ON PROPERTY LOCATED
ON THE NORTHEAST SIDE NORTH
AVENUE, 470' NORTHWEST OF
CENTERLINE LEEDS AVENUE
(1220 NORTH AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 98-406-A
*

* * * * *

O P I N I O N

This case comes before the Board on appeal filed by the Office of People's Counsel of Baltimore County from a decision of the Zoning Commissioner dated August 19, 1998, granting a variance from Section 431 of the Baltimore County Zoning Regulations (BCZR) to allow a commercial vehicle (roll back tow truck) with advertising to be parked daily in the side yard driveway of the subject property.

The Petitioner, Frank Reitterer, appeared pro se. Carole S. Demilio, Deputy People's Counsel, appeared on behalf of the Office of People's Counsel.

This matter was heard by this Board de novo on February 18, 1999. In lieu of final argument, Petitioner was given one week to review prior cases referenced by Deputy People's Counsel in opening statements relevant to the subject matter, and submit Memorandum. Deputy People's Counsel subsequently submitted a Brief in response. Public deliberation was held on March 23, 1999, due notice of which was provided to all interested parties.

The subject property, known as 1220 North Avenue, is rectangular in shape, approximately .149 acre in area, and zoned D.R. 5.5. The lot is located in the Maiden Choice subdivision of

Arbutus and is approved with a two-story brick and frame house. The subject site contains a detached garage to the rear, and a concrete driveway on the eastern side of the property where the subject tow truck is parked.

The subject case originated from a complaint registered by the Maiden Choice Community Association indicating a zoning violation wherein a commercial vehicle in excess of 10,000 lbs. existed on the subject site. In response to the complaint, an inspector with Baltimore County was dispatched and a zoning citation was issued.

Mr. Reitterer testified he is employed by Varsity Towing and has continually parked a company tow truck on the subject property since 1989. He stated he commutes to and from work via the tow truck in question. He leaves home at approximately 8:00 a.m. and returns in the evening around 5:00 p.m. He further stated that it was necessary to bring the truck home, since he was on call around the clock during the week and on certain weekends. He further indicated that having the truck at home presented a convenience which enabled quick response time to emergency calls from the Police Department, as Varsity Towing is a licensed towing operator for Baltimore County.

On cross-examination, Mr. Reitterer described the vehicle in question as a 1995 International truck, 22 feet in length overall, weighing in excess of 10,000 lbs, with a capacity gross weight of 21,400 lbs. He stated that he is also on call to the Baltimore City Police Department (in addition to Baltimore County) and responds to car dealership as well as private calls.

For his service, he is compensated by salary and commission as

it relates to the mileage travelled, and at no time does he bring any of the disabled vehicles back to his home. He also stated that his property is reflective of the neighborhood in character, and the tow truck is parked in the side driveway along with two other cars, while two remaining vehicles (all licensed) are kept in the garage to the rear of the property.

The Petitioner further indicated that Varsity Towing is approximately 5 miles from his home and employs 30 to 40 people, which includes five tow truck operators. Mr. Reitterer is fearful that his job will be in jeopardy if the variance request is not granted, since two other drivers also take two trucks home, while two trucks remain at Varsity Towing.

Ms. Lorna Ochs, the Petitioner's immediate neighbor for the past 8-1/2 years, testified on his behalf. She indicated that the use of the tow truck has never presented any problems. The truck is shielded from her view by way of a hedge. The truck has never awakened her in the middle of the night nor caused any disturbance. Ms. Ochs opined that the Petitioner provides a service for the general public of which she was fully supportive.

Eleanor VanDevender testified in opposition to the parking of the commercial vehicle (tow truck) on Petitioner's property. Ms. VanDevender resides approximately 1/2 mile from the subject property. She is a current member of the Maiden Choice Community Association, and in the past held numerous offices, including President and Chairman of the Zoning Committee. She stated that, as an active member of the Association, she has worked with Code Enforcement officials in Baltimore County addressing different

violations in the community, and was not singling out the Petitioner. She opposed the parking and use of a commercial vehicle in a residential community due to safety concerns relative to narrow residential roads and noise factors which ultimately lead to the decline of the neighborhood. She stated that the neighborhood primarily consists of D.R. 5.5 single-family homes which date to the 1940s, with lot sizes of 4,500 to 6,000 square feet.

Ms. VanDevender referenced People's Counsel's Exhibit #4 (a photo of North Avenue and Leeds Avenue) and People's Counsel's Exhibit #5 (a photo of Linden Avenue and Talbot Place) which depict "No Thru" truck signs in which vehicles over 3/4 ton are not permitted. She further stated that Varsity Towing was approximately 10 minutes from the Petitioner's residence, when travelling the local street system, and would actually take less time to reach if the Beltway would be used. Ms. VanDevender opined that, if the variance request was granted, it would set a precedent for other uses of commercial vehicles to exist in residential neighborhoods.

Ms. Paula Wolfe also appeared in opposition to the variance request. Ms. Wolfe resides approximately 1 mile from the subject site. She is President of the Greater Arbutus Community Association (People's Counsel Exhibit #8, Rule 8 documentation submitted). She stated that Mr. Reitterer was a responsible person, but granting of this variance would set a precedent which would open the door for other commercial vehicles. She indicated the neighborhood is an older community, and the streets are not

receptive to this large a vehicle as to be confirmed by the
also confirmed the testimony of the previous witness in that
Varsity Towing was approximately 7 minutes away.


Mr. Robert Hooe, who has owned an existing service garage and towing company for the past 30 years, also testified on behalf of People's Counsel. Mr. Hooe also owns a tow truck very similar to that of the Petitioners. He indicated his truck weighs 14,000 lbs., which is about 1,000 lbs. lighter than Petitioner's due to the aluminum frame. He opined that the tow truck in question is very large and fairly maneuverable for its size, but would still pose difficulty in navigating smaller streets. He also indicated that his business actually has two tow trucks but that both are dispatched from his business property in compliance with Baltimore County regulations.

The granting of variances is governed by Section 307.1 of the BCZR which provides, in relevant part, that variances may be granted:

...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance...would result in practical difficulty or unreasonable hardship.

The Court of Special Appeals, in Cromwell v. Ward, 102 Md.App. 691 (1995), has construed this regulation to mean that obtaining a variance is ^{at least} basically a two-step process. The first step requires a finding that the subject property is unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes

the zoning provision to impact disproportionately upon that property. The second step requires a finding that denial of the requested variance would result in practical difficulty or unreasonable hardship.



Cromwell v. Ward states that "[u]nless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship."

The Petitioner failed to present any testimony or evidence to this Board showing that the subject site possessed any peculiar, unusual or unique factors when compared to other properties in the neighborhood such that the requirements of Section 431 of the BCZR, governing the parking of commercial vehicles on residential property, would impact disproportionately upon his property.

Thus, the first step of the variance process was not met, and the practical difficulty or unreasonable hardship requirement cannot be properly considered.

However, even assuming, for the sake of argument, that the property meets the requirement of uniqueness, the Petitioner failed to produce convincing evidence of practical difficulty or unreasonable hardship. The record indicates that Varsity Towing has available parking on site, and that Petitioner admitted that bringing the truck home was a matter of convenience. As testimony by both the Petitioner and Protestants indicated, Varsity Towing is approximately 7 to 10 minutes from the subject site.

Even if this Board found that Petitioner had met his burden satisfying the requirements of Section 307.1 of the BCZR, and

subsequently the stringent test of Cromwell v. Ward, in granting a variance, the Board must recognize Article VI of the Baltimore County Code which regulates towing businesses.

Ms. Deborah Kendall, Supervisor with the Department of Permits & Development Management, referenced People's Counsel's Exhibit #2 in which Baltimore County granted a towing license to Varsity Auto Repair, Inc., dated January 5, 1999. Specifically, the application states that Varsity Towing is "hereby granted" a license:

To operate TOWING VEHICLES within the bounds of Baltimore County in accordance with the terms and provisions of Article VI, TOWING BUSINESS, Sec. 24-226 through 24-235 of the Baltimore County Code, as amended and any Rules and Regulations from the Department of Permits and Development Management in accordance with Section 24-223.

Section 24-226(d) states:

No license shall be issued or renewed unless the applicant has provided secure fenced-in storage facilities for ten (10) or more vehicles on the premises shown on the license or within sight of the premises shown on the license. Towing vehicles are to be dispatched from the fenced-in storage lot. Such storage facilities shall also comply with the county zoning regulations and the fencing requirements of the county building code, if such location is located in the county.

Section 24-229(b) states:

No licensee shall dispatch a tow vehicle from any location other than what is indicated on his license or from fenced-in storage facilities within view of the business shown on license. Each licensee shall have only one (1) business telephone number at his place of business but may have an extension of such telephone in his home or at any other location where he may be contacted.

In conclusion, the Board finds that Petitioner has failed to satisfy the requirements of Section 307.1 of the Baltimore County

Zoning Regulations and also is violative of Sections 24-266(d) and 24-229(b) of the Baltimore County Code. Therefore, this Board must deny Petitioner's request for variance.

O R D E R

THEREFORE, IT IS THIS 17th day of May, 1999 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance seeking relief from Section 431 of the Baltimore County Zoning Regulations (BCZR) to allow a commercial vehicle (roll back tow truck) with advertising to be parked daily in the side yard driveway of the subject property be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence S. Wescott, Panel Chairman


Margaret Worrall


Thomas P. Melvin

Case No. 98-406-A Frank D. Reitterer and
Frances M. Leonard -Petitioners
She

HALETHORPE IMPROVEMENT ASSOCIATION, INC.

P. O. Box 7306

Halethorpe, MD 21227

"DEDICATED TO SERVING THE COMMUNITY"

Prot Ex 7A

April 1, 2002

Zoning Commissioner
Baltimore County
County Courts Building
410 Bosley Avenue - Room 407
Towson, MD 21204

RE: Case Number 02-316-A
5715 Second Avenue
Petitioner: Shane A. Hayes

Dear Commissioner:

I am writing on behalf of the Board of Directors and members of Halethorpe Improvement Association, Inc. (HIA) regarding the above captioned case. The HIA is a civic association representing 275 households with a total membership in excess of 525 members within the boundaries outlined on the attached map.

After thoughtful consideration, membership unanimously voted at the March 19, 2002 meeting to *oppose the request* to grant a variance to permit a commercial vehicle, GMV over 10,000 lbs. to be parked in the front yard with exposed equipment and materials, visible, with advertising on the body of the truck in lieu of under 10,000 lbs. side yard no exposed equipment and advertising limited to front doors of vehicle. I will be present at the hearing to convey the opposition and concerns of our membership.

In closing, I thank you for your kind attention to the interests and concerns of our members.

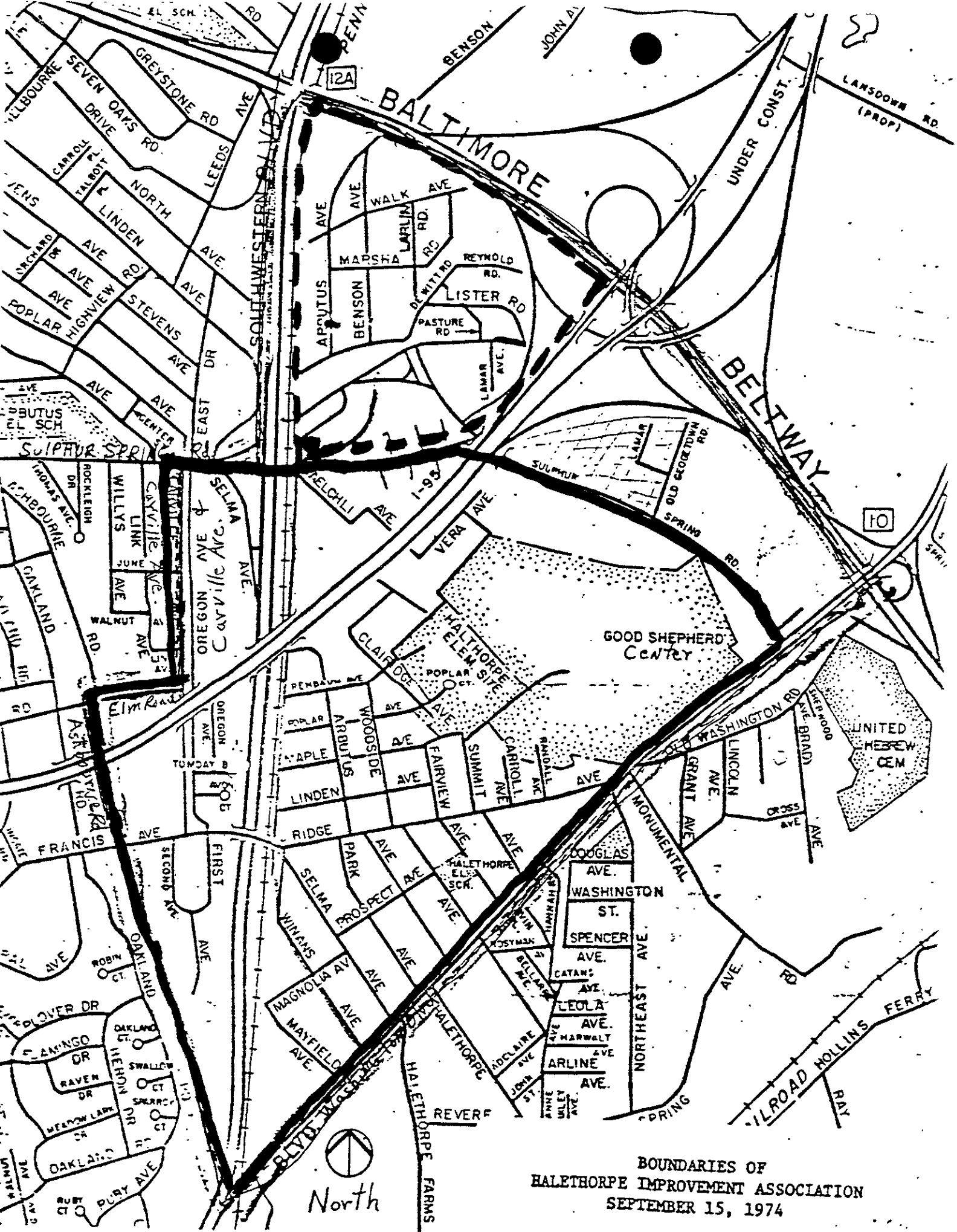
Sincerely,



Joseph P. Kinsey
President

Attachment

FOR OVER FORTY YEARS



BOUNDARIES OF
HALETHORPE IMPROVEMENT ASSOCIATION
SEPTEMBER 15, 1974

The Greater Arbutus Community Alliance

Prot Ex 7B
www.arbutus.org



April 26, 2002

P. O. Box 18223
Halethorpe, MD 21227

Office of the Zoning Commissioner
407 County Courts Building
Towson, MD 21204

Re: Case No. 02-316-A
Shane A. Hayes, 5715 Second Ave.

To the Commissioner;

Enclosed please find our resolution regarding the proposed variance for Shane A. Hayes. We concur with the Halethorpe Improvement Association in stating that we do not think the granting of this variance is in the community's best interest.

We have in the past, and will in the future, oppose the expansion of commercial parking in residential areas. It is our opinion that this is yet another version of "commercial creep" and as such, is detrimental to the long term health of our neighborhoods.

We appreciate your consideration of our views in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paula W. Wolf".
Paula W. Wolf
President

RESOLVED: That the Board of Directors of the Greater Arbutus Community Alliance (GACA) voted to oppose the request for variance by Shane A. Hayes, 5715 Second Ave., Halethorpe, MD 21227 to allow a commercial vehicle in excess of 10,000 pounds with advertising (business name) and visible tools including a crane attachment to be parked daily in the front/side yard of the Petitioner's property. GACA opposes this request for the following reasons:

1. GACA, together with other community organizations throughout the County has been working with the Baltimore County Code Enforcement Office for over five years to try to alleviate code violations, including commercial vehicles parked in residential zones, which negatively impact our community.
2. The commercial vehicle in this case is owned by Reliable Contracting Company, Inc., not the Petitioner.

In a ruling several years ago on a similar case, *Frank D. Reitterer and Frances M. Leonard*, #98-226-A, The County Board of Appeals of Baltimore County cited Cromwell v. Ward, 102 Md. App. 691 (1995) as the defining case in determining which variances may be granted under section 307.1 of the Baltimore County Zoning Regulations. The first issue to be addressed is the uniqueness of the affected property. It is our opinion that the subject property, while slightly different than the neighboring properties does not rise to the level of "unique". Other properties in the community share a similar footprint. As demonstrated by the photographs submitted by the Halethorpe Improvement Association, the community is fairly homogenous.


The second issue "requires a finding that denial of the requested variance would result in practical difficulty or unreasonable hardship". In the above cited case, the Board looked at the matter of hardship and difficulty and found it lacking. We think that it is also lacking in the present case. As in *Reitterer*, the Petitioner is bringing a vehicle to his home which does not belong to him, but is the property of Reliable Contracting Company, Inc., a large construction contractor located in Millersville, Maryland. The storage of the truck at the Petitioner's home is a matter of convenience rather than need for both parties.

Therefore, we respectfully request that the Petitioner's request for variance be denied.

AS WITNESS OUR HANDS AND SEAL THIS 25TH DAY OF MARCH, 2002.

ATTEST:

THE GREATER ARBUTUS COMMUNITY ALLIANCE, INC.



Donna Cameron, Vice President



Paula Wolf, President

Prot Ex 7C

ARBUTUS IMPROVEMENT ASSOCIATION
P.O. BOX 24163
ARBUTUS, MD 21227
www.arbutus4me.com

March 27, 2002

Office of the Zoning Commissioner
County Courts Building
410 Bosley Ave., Room 407
Towson, MD 21204

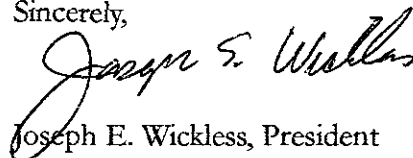
Re: Case Number 02-316-A
5715 Second Ave.
Petitioner: Shane A. Hayes

The Arbutus Improvement Association is submitting this letter in support of our neighbors, the Halethorpe Improvement Association. Like that organization, we are also opposed to the proposed variance for 5715 Second Ave, a property just outside of our boundaries. We have dealt with issues of large commercial vehicles in residential areas and find that these situations produce a negative impact on property values and quality of life in these areas. These issues include safety for children, line of sight problems, inadequate infrastructure to support these vehicles, etc.

The details of the request for variance have been included in letters from the Halethorpe Improvement Association and from the Greater Arbutus Community Alliance. We will not restate them here. We agree totally with these organizations on this issue and provide our full support in opposition to the petition for a variance.

We urge you do deny the petition in the interest of preserving the quality of life in our communities.

Sincerely,



Joseph E. Wickless, President
Arbutus Improvement Association

Prot Ex 7D

Arbutus Community Association

*1349 Stevens Avenue
Arbutus, Maryland 21227*

Re: Case #02-316-A
5715 Second Avenue, 21227
E/S of Second Avenue, 345' S of Francis Avenue
1st Election District- 13th Councilmanic District
Legal Owner: Shane A. Hayes

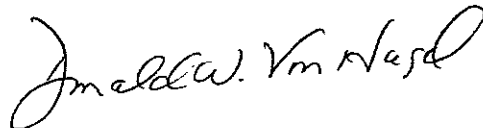
Mr. Arnold Jablon, Director

Dear Mr. Jablon,

*This Letter is to inform you that the members of the Arbutus Community Association **strongly** oppose the requested zoning variance on the case listed above, scheduled for April 1, 2002 at 9:00 a.m. room 407. Our membership believes that this variance should not be passed to allow a commercial vehicle with over 10,000 lbs to be parked in this residential community. If you have any questions, please feel free to contact me at (410) 247-0597.*

Sincerely,

Donald Von Hagel, A.C.A. President



George Penyak, A.C.A. Vice President

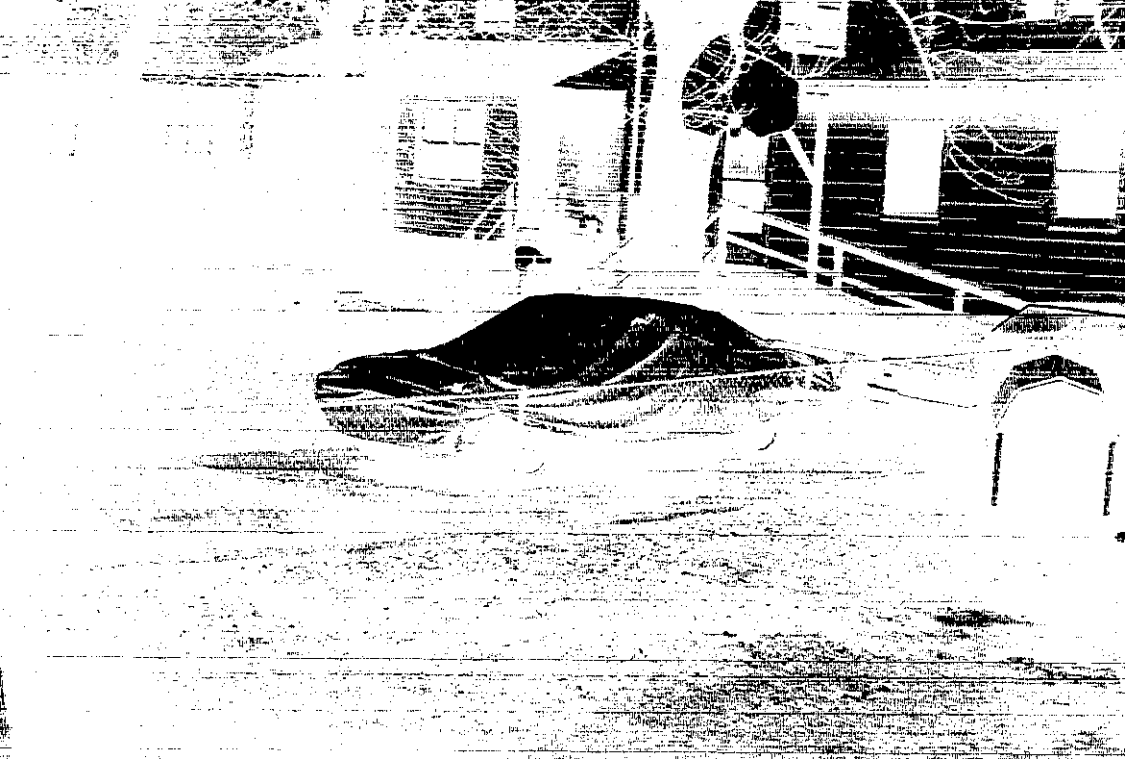


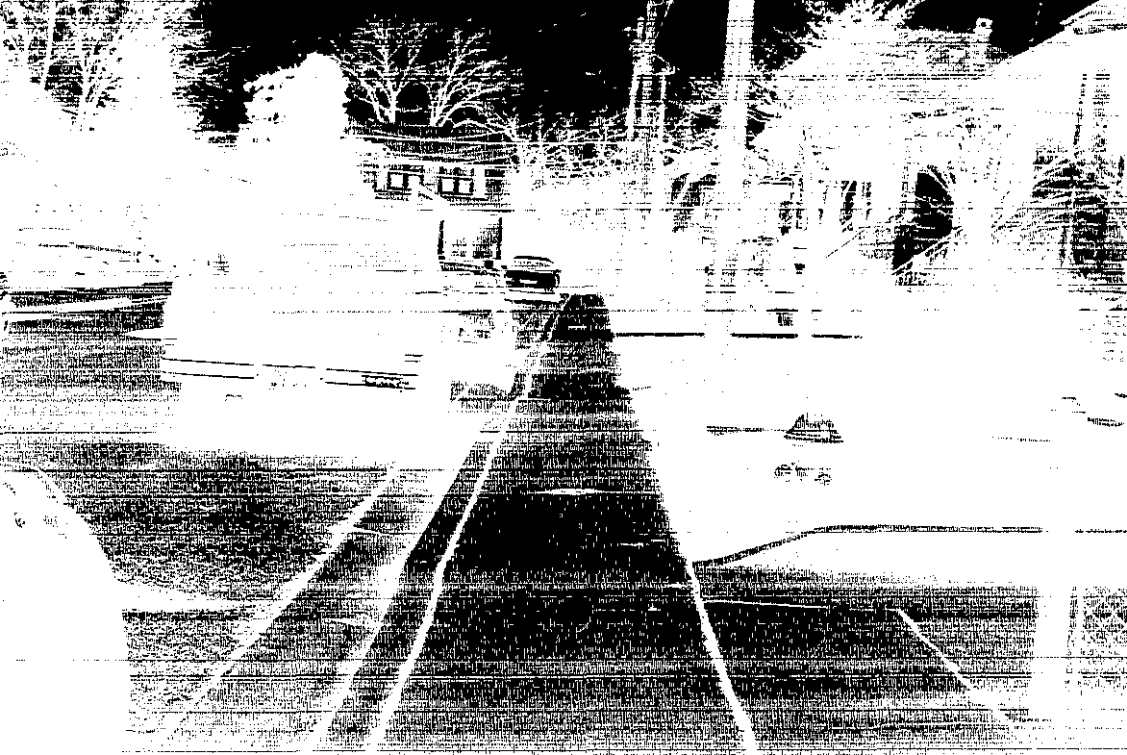


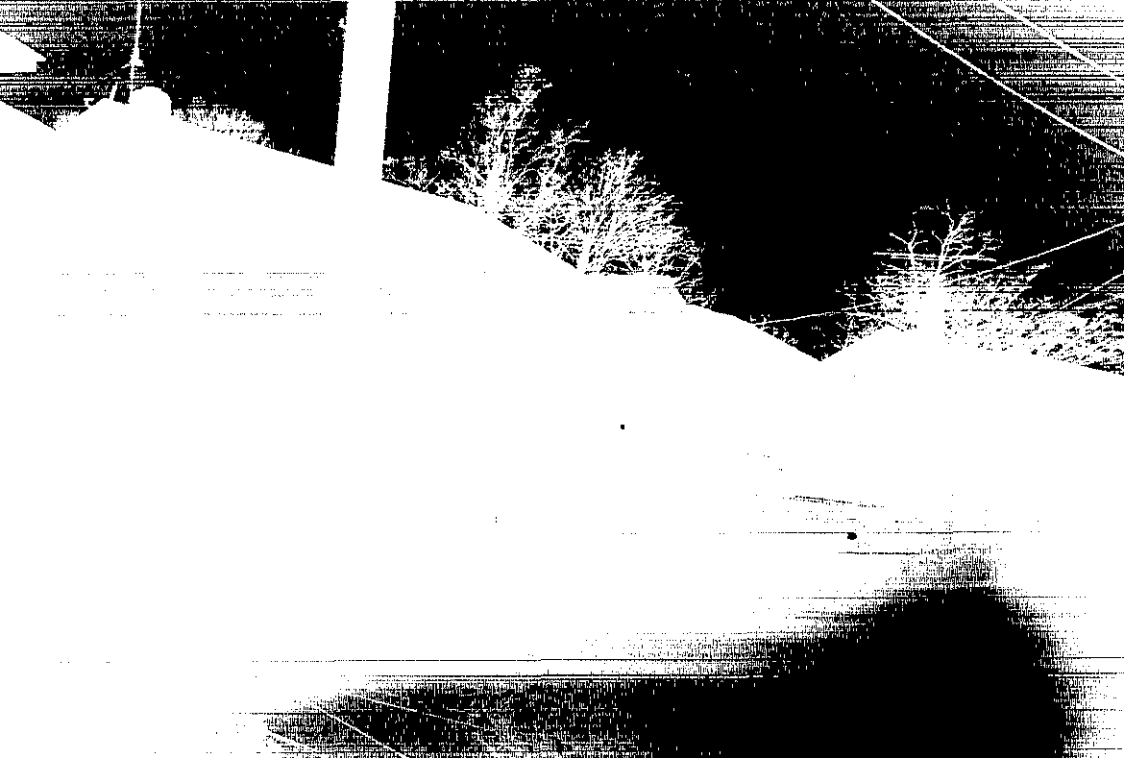
Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

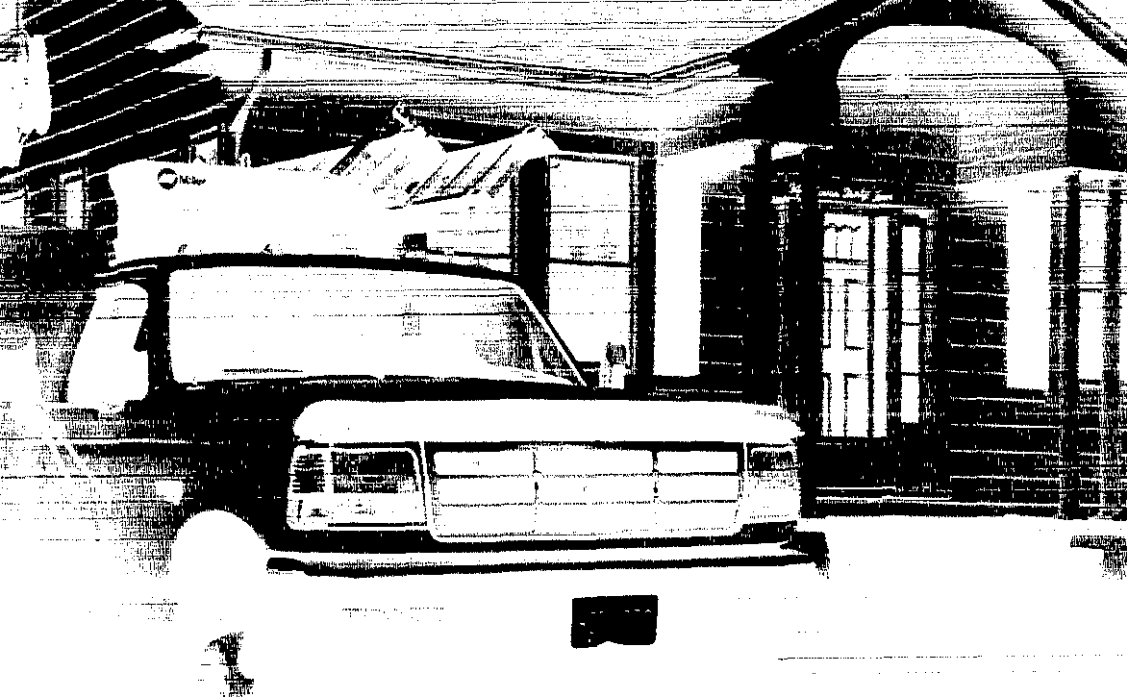
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Exhibits
#1's (2))

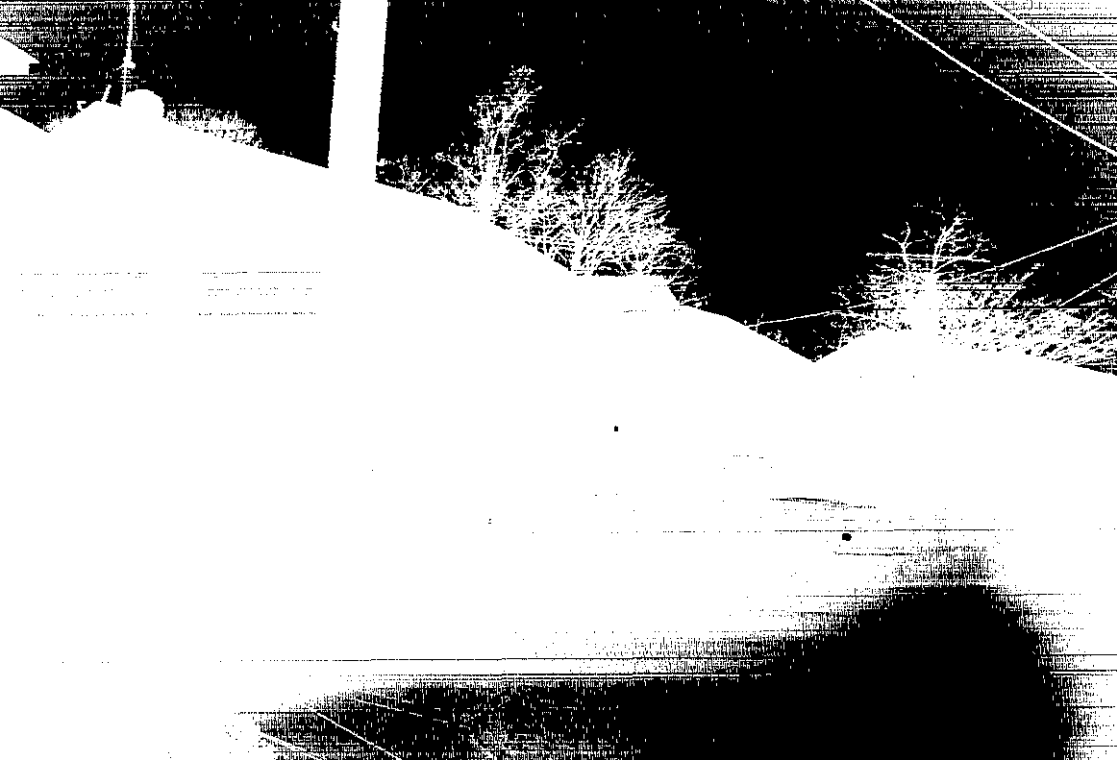
PHOTOGRAPHS
#02-316-A





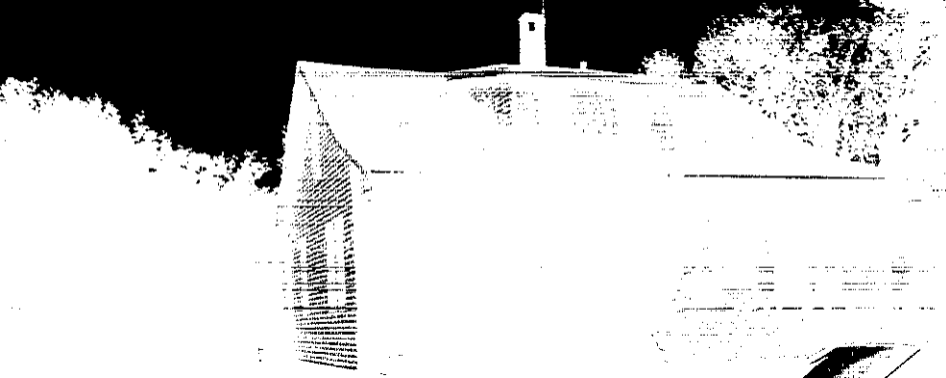


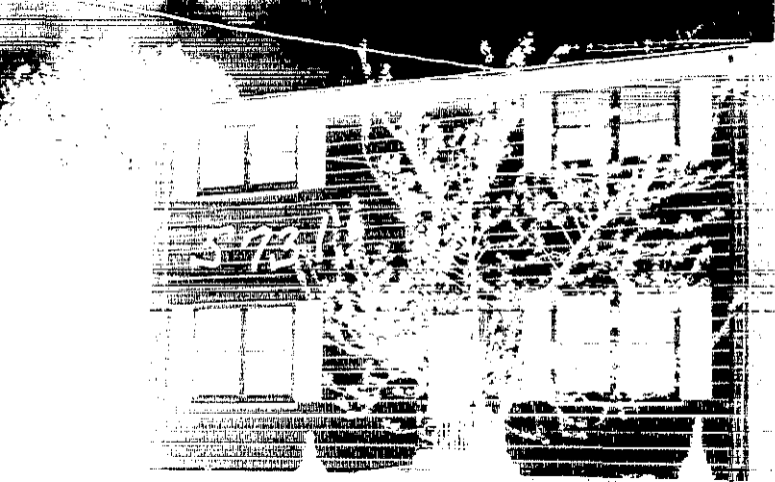


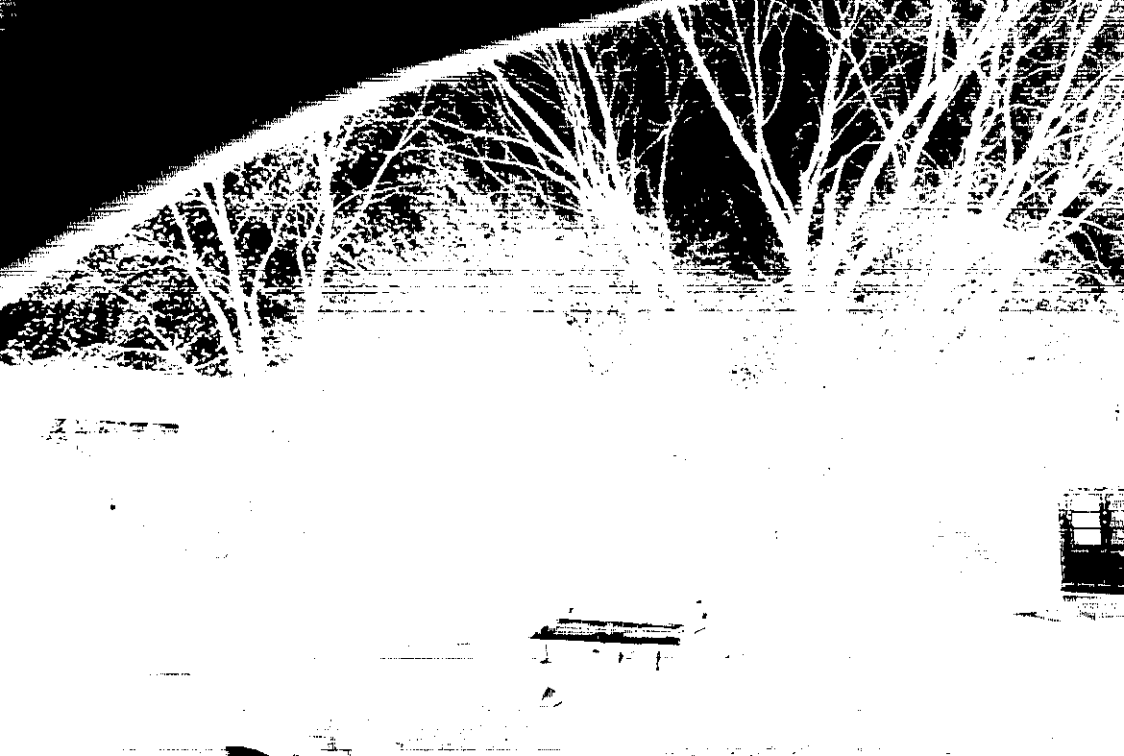


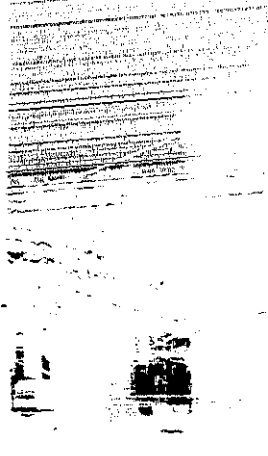
















Plot x_2 vs x_4

5710

5708



5710

5708

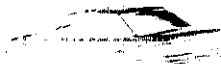
Second Ave.

5716

5717

5712

5710



5710

5712

5714

5716

Second Ave

5722

5720

5718

5716

5714

5714 5716 5718 5720 5722

Second Avenue

5709

5711

570

5705
5707



5711

5709

5707

5707

5705

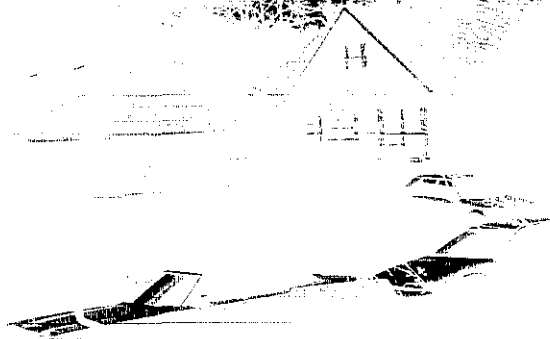
5701

Second Avenue

5708

5706

516X



5604

5706

5708

Second Avenue

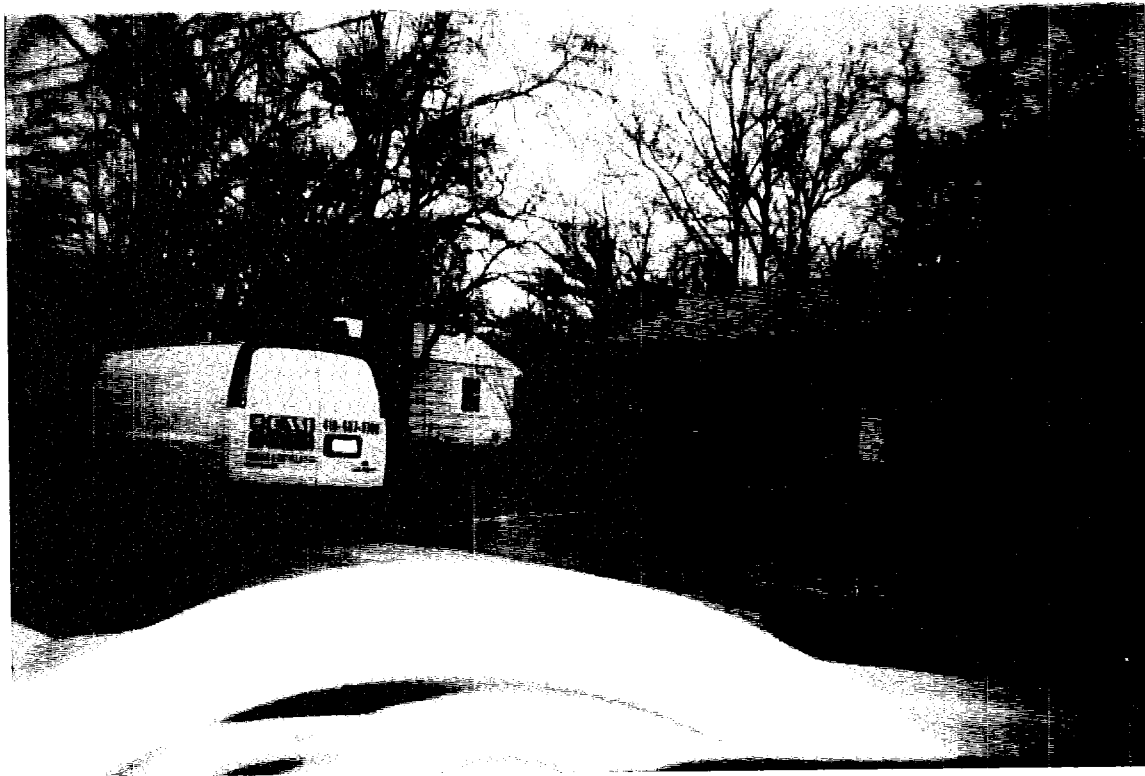


5715

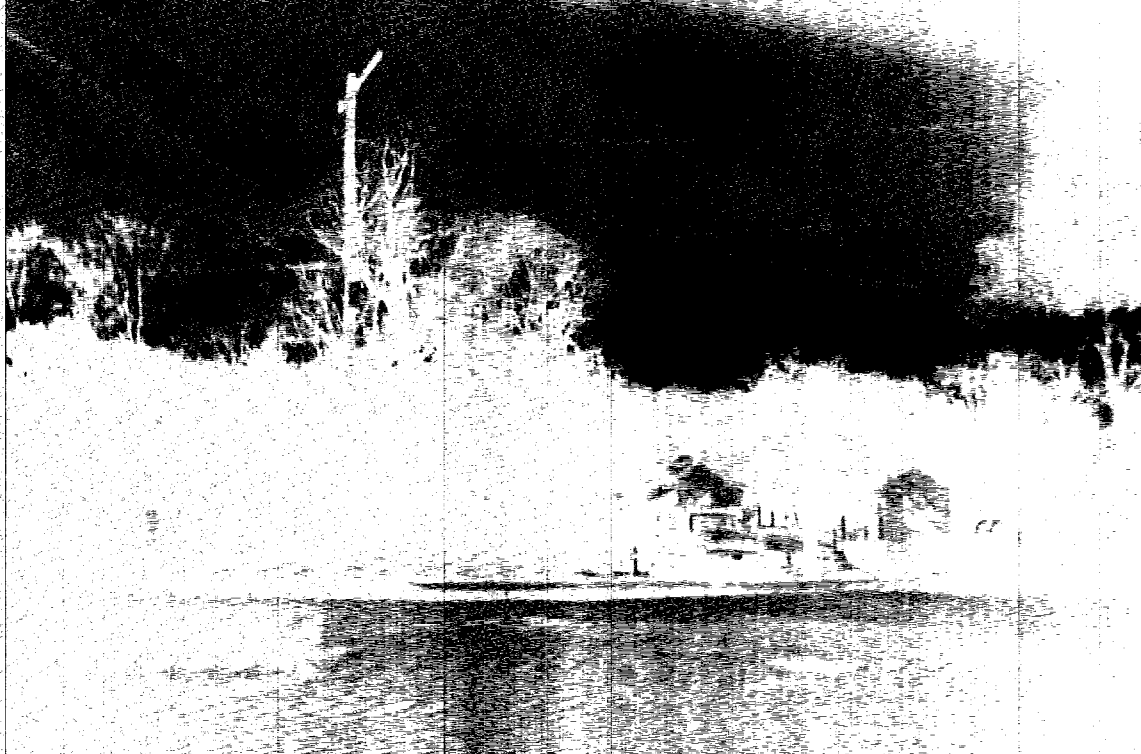
5717

5719

Second Ave







10' on Both Sides of House
No Drive Way

5731 ^{First} ~~Second~~ Ave

NO DRIVE WAY

5730 ^{First} ~~Street~~ Ave